

COPY

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT

CALIFORNIA ATTORNEYS, ADMINISTRATIVE LAW JUDGES
AND HEARING OFFICERS IN STATE EMPLOYMENT **FILED**
Plaintiff and Appellant,

JOHN CHIANG, as State Controller, etc.,
Defendant and Appellant;

SEP - 1 2009

COURT OF APPEAL - THIRD DISTRICT
DEENA C. FAWCETT
BY _____ Deputy

v.

ARNOLD SCHWARZENEGGER, as Governor, etc., et al.,
Defendants and Respondents.

On Appeal of an Order and Judgment
by the Sacramento County Superior Court,
Case No. 34-2009-80000134-CU-WM-GDS,
The Honorable Patrick Marlette

**APPELLANT STATE CONTROLLER'S NOTICE OF ADOPTION
BY REFERENCE OF STATE CONTROLLER'S OPENING BRIEF
IN RELATED CASE**

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TO BE FILED IN THE COURT OF APPEAL

APP-008

COURT OF APPEAL, THIRD APPELLATE DISTRICT, DIVISION	Court of Appeal Case Number: <p style="text-align: center;">C061009</p>
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robin B. Johansen, SB# 79084 Margaret R. Prinzing, SB# 209482 Remcho, Johansen & Purcell, LLP 201 Dolores Avenue, San Leandro, CA 94577 TELEPHONE NO.: (510) 346-6200 FAX NO. (Optional): (510) 346-6201 E-MAIL ADDRESS (Optional): rjohansen@rjp.com; mprinzing@rjp.com ATTORNEY FOR (Name): Appellant State Controller John Chiang	Superior Court Case Number: <p style="text-align: center;">34-2009-80000134CU-WM-GDS</p>
APPELLANT/PETITIONER: California Attorney's, etc. RESPONDENT/REAL PARTY IN INTEREST: Arnold Schwarzenegger	FOR COURT USE ONLY
<p style="text-align: center;">CERTIFICATE OF INTERESTED ENTITIES OR PERSONS</p> (Check one): <input checked="" type="checkbox"/> INITIAL CERTIFICATE <input type="checkbox"/> SUPPLEMENTAL CERTIFICATE	
<p>Notice: Please read rules 8.208 and 8.488 before completing this form. You may use this form for the initial certificate in an appeal when you file your brief or a prebriefing motion, application, or opposition to such a motion or application in the Court of Appeal, and when you file a petition for an extraordinary writ. You may also use this form as a supplemental certificate when you learn of changed or additional information that must be disclosed.</p>	

1. This form is being submitted on behalf of the following party (name): Appellant State Controller John Chiang

2. a. There are no interested entities or persons that must be listed in this certificate under rule 8.208.
 b. Interested entities or persons required to be listed under rule 8.208 are as follows:

Full name of interested entity or person	Nature of interest (Explain):
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- (1)
- (2)
- (3)
- (4)
- (5)

Continued on attachment 2.

The undersigned certifies that the above-listed persons or entities (corporations, partnerships, firms, or any other association, but not including government entities or their agencies) have either (1) an ownership interest of 10 percent or more in the party if it is an entity; or (2) a financial or other interest in the outcome of the proceeding that the justices should consider in determining whether to disqualify themselves, as defined in rule 8.208(e)(2).

Date: August 31, 2009

Margaret R. Prinzing
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY)

Notice is hereby given that pursuant to Rule 8.200(a)(5) of the California Rules of Court, appellant State Controller John Chiang adopts by reference in this case his opening brief filed in *Professional Engineers in California Government, et al. v. Arnold Schwarzenegger, et al.*, Court of Appeal Number C061011, an appeal arising from the same superior court order resolving three related cases.

Notice is further given that appellant California Attorneys, Administrative Law Judges and Hearing Officers in State Employment will file the Joint Appendix in this appeal.

Dated: August 31, 2009

Respectfully submitted,

OFFICE OF THE STATE CONTROLLER
REMCHO, JOHANSEN & PURCELL, LLP

By:


Margaret R. Prinzing

Attorneys for Defendant, Respondent and
Appellant State Controller John Chiang

(00085672)

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury that:

I am a citizen of the United States, over the age of 18, and not a party to the within cause or action. My business address is 201 Dolores Avenue, San Leandro, CA 94577.

On August 31, 2009, I served a true copy of the following document(s):

**Appellant State Controller's Notice of Adoption
by Reference of State Controller's Opening Brief
in Related Case**

on the following party(ies) in said action:

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John Chiang*

Clerk to the
Honorable Patrick Marlette
Sacramento County Superior Court
720 Ninth Street, Department 19
Sacramento, CA 95814

California Supreme Court
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- BY UNITED STATES MAIL:** By enclosing the document(s) in a sealed envelope or package addressed to the person(s) at the address above and
 - depositing the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the businesses' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, located in San Leandro, California, in a sealed envelope with postage fully prepaid.
- BY OVERNIGHT DELIVERY:** By enclosing the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- BY MESSENGER SERVICE:** By placing the document(s) in an envelope or package addressed to the persons at the addresses listed and providing them to a professional messenger service for service.

- BY FACSIMILE TRANSMISSION:** By faxing the document(s) to the persons at the fax numbers listed based on an agreement of the parties to accept service by fax transmission. No error was reported by the fax machine used. A copy of the fax transmission is maintained in our files.
- BY EMAIL TRANSMISSION:** By emailing the document(s) to the persons at the email addresses listed based on a court order or an agreement of the parties to accept service by email. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on August 31, 2009, in San Leandro, California.



Maria E. Mora