

COPY

COURT OF APPEAL, STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL
1000,

Plaintiff/Appellant,

vs.

JOHN CHIANG, as State Controller, etc.,

Defendant/Appellant,

ARNOLD SCHWARZENEGGER, as
Governor, etc., et al.,

Defendants/Respondents.

Court of Appeal Case No. C061020

(Sacramento County Superior Court
Case No. 34-2009-80000135-CU-WM-GDS)

FILED

OCT 19 2009

COURT OF APPEAL - THIRD DISTRICT
DEENA C. FAWCETT

BY

Deputy

On Appeal from the Judgment dated February 11, 2009
of the Superior Court for Sacramento County
The Honorable Patrick Marlette

**RESPONDENTS' NOTICE OF ADOPTION BY REFERENCE OF
RESPONDENTS' COMBINED BRIEF IN RESPONSE TO: (1)
OPENING BRIEF OF APPELLANTS PROFESSIONAL ENGINEERS
IN CALIFORNIA GOVERNMENT AND CALIFORNIA
ASSOCIATION OF PROFESSIONAL SCIENTISTS AND (2)
OPENING BRIEF OF APPELLANT JOHN CHIANG**

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Rather than filing an opening brief in this matter, Defendant and Appellant State Controller John Chiang filed an opening brief in the related case of *Professional Engineers in California Government, et al. v. Arnold Schwarzenegger, et al.*, Third District Court of Appeal Case No. C061011, and filed a notice of adoption of the brief in that case in this action, adopting by reference the opening brief filed in *Professional Engineers in California Government, et al. v. Arnold Schwarzenegger, et al.*, Third District Court of Appeal Case No. C061011 as its opening brief in this case. In response, and pursuant to California Rules of Court, Rule 8.200(a)(5), Respondents Arnold Schwarzenegger and Department of Personnel Administration hereby adopt by reference the portions of their brief filed in *Professional Engineers in California Government, et al. v. Arnold Schwarzenegger, et al.*, Third District Court of Appeal Case No. C061011 that specifically respond to arguments made by Defendant and Appellant State Controller John Chiang.

Dated: October 19, 2009

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PROOF OF SERVICE

I, May Marlowe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814-4416. On October 19, 2009, I served the within documents:

NOTICE OF ADOPTION

- by transmitting via facsimile from (916) 321-4555 the above listed document(s) without error to the fax number(s) set forth below on this date before 5:00 p.m. A copy of the transmittal/confirmation sheet is attached.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as set forth below.
- by causing personal delivery by Messenger of the document(s) listed above to the person(s) at the address(es) set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by causing to be transmitted via e-mail or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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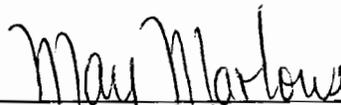
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 19, 2009, at Sacramento, California.



May Marlowe