

No. C061009

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,
Plaintiff and Appellant,

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

v.

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

FILED

NOV 24 2009

On Appeal of an Order and Judgment
by the Sacramento County Superior Court, COURT OF APPEAL - THIRD DISTRICT
Case No. 34-2009-80000134-CU-WM-GDS, DEENA C. FAWCETT
The Honorable Patrick Marlette BY _____ Deputy

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

Richard J. Chivaro, State Bar No. 124391
Chief Counsel

Ronald V. Placet, State Bar No. 155020
Senior Staff Counsel

Shawn D. Silva, State Bar No. 190019
Senior Staff Counsel

Ana Maria Garza, State Bar No. 200255
Staff Counsel

OFFICE OF THE STATE CONTROLLER
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Phone: (510) 445-6854
Fax: (510) 322-1220
Email: rchivaro@sco.ca.gov

Robin B. Johansen, State Bar No. 79084

Margaret R. Prinzing, State Bar No. 209482

REMCHO, JOHANSEN & PURCELL, LLP

201 Dolores Avenue

San Leandro, CA 94577

Phone: (510) 346-6200

Fax: (510) 346-6201

Email: mprinzing@rjp.com

Attorneys for Defendant and Appellant State Controller John Chiang

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 reply 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.

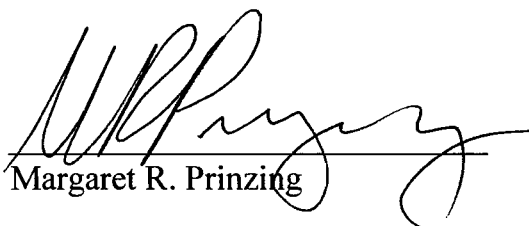
Dated: November 24, 2009

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

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 November 24, 2009, I served a true copy of the following document(s):

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

on the following party(ies) in said action:

Patrick James Whalen
Law Office of Brooks Ellison
1725 Capitol Avenue
Sacramento, CA 95811
Phone: (916) 448-2187
Fax: (916) 448-5346

*Attorneys for Plaintiff and Appellant
California Attorneys, Administrative Law
Judges and Hearing Officers in State
Employment*

David W. Tyra
Kronick, Moskovitz, Tiedemann &
Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
Phone: (916) 321-4500
Fax: (916) 321-4555

*Attorneys for Defendants and Respondents
Governor Arnold Schwarzenegger and
David Gilb*

Will M. Yamada
Chief Counsel
Department of Personnel
Administration
1515 "S" Street, North Building,
Suite 400
Sacramento, CA 95811-7246
Phone: (916) 324-0512
Fax: (916) 323-4723

*Attorneys for Defendant and Respondent
David Gilb*

Richard Chivaro
State Controller's Office
Chief Counsel
300 Capitol Mall, Suite 1850
Sacramento, CA 95814
Phone: (916) 445-6854
Fax: (916) 322-1220

*Attorneys for Defendant and Appellant
State Controller John Chiang*

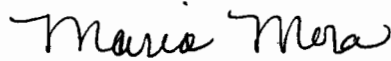
Clerk to the
Honorable Patrick Marlette
Sacramento County Superior Court
720 Ninth Street, Department 19
Sacramento, CA 95814

California Supreme Court
Electronic Copy Served Pursuant to
CRC Rule 8.212

- 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 November 24, 2009, in San Leandro, California.



Maria E. Mora

(00093519.1)