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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

HAROLD P. STURGEON,

Plaintiff,

v.

LOS ANGELES COUNTY, *et al.*,

Defendants.

) Case No. BC351286

) **PLAINTIFF'S RESPONSE TO**
) **DEFENDANTS' SEPARATE STATEMENT**
) **OF UNDISPUTED MATERIAL FACTS**
) **AND SEPARATE STATEMENT OF**
) **OTHER MATERIAL FACTS**

) DATE: November 20, 2006
) TIME: TBD
) PLACE: TBD
) JUDGE: Honorable James A. Richman

ACTION FILED: April 24, 2006
TRIAL DATE: None Set

Pursuant to section 437c, subdivision (b)(3), of the Code of Civil Procedure, Plaintiff respectfully submits Plaintiff's Response to Defendants' Separate Statement of Undisputed Material Facts and Separate Statement of Other Material Facts:

RESPONSES TO DEFENDANTS' STATEMENT

Undisputed Material Fact

Response/Evidence

1. Since July 1, 1998, the County of Los Angeles has paid and continues to pay certain benefits to the judges of the Los Angeles Superior Courts.

1. Undisputed.

PLAINTIFF'S STATEMENT OF ADDITIONAL MATERIAL FACTS

Additional Material Fact

Evidence

1. Since the passage of the Lockyer Isenberg Trial Court Funding Act of 1997, the State has taken over responsibility for payment of salaries and benefits to the judges of the Superior Court for the State of California, County of Los Angeles.

1. Exhibit C to Declaration of Paul J. Orfanedes in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment or, in the Alternative, For Summary Adjudication ("PJO Decl.") at Response to Request for Admission ("RQA") No. 2.

2. The County of Los Angeles ("the County") continues to pay certain benefits to trial judges.

2. *Id.* at Responses to RQA Nos. 2 and 3.

1 3. These benefits include participation in
2 the County's "MegaFlex" cafeteria benefits
3 program and a "professional development"
4 allowance.

3. *Id.* at Responses to RQA Nos. 4 and 6.

5
6 4. Under the County's "MegaFlex"
7 program, the County pays participants an
8 allowance equivalent to up to nineteen
9 percent (19%) of their monthly salary, from
10 which they may purchase a variety of
11 benefits on a pre-tax basis. These include
12 participation in medical and dental plans,
13 group term life insurance, accidental death
14 and dismemberment insurance, short term
15 disability insurance, long term disability
16 insurance, or elective annual leave, among
17 others. In the event a participant does not
18 use any or all of the allowance to purchase
19 benefits, he or she receives any remaining
20 portion of the allowance as additional,
21 taxable pay.

4. 2006 Annual Benefits Enrollment Guide
at 1-4.

22
23 5. The cost to taxpayers for providing
24 duplicate benefits or supplemental
25 compensation to trial judges in fiscal year
26 2005-06 exceeded \$21 million.

5. Exhibit E to PJO Decl. at Response to
Special Interrogatory No. 1 and Exhibit 1.

1 6. The total cost to taxpayers for providing
2 these duplicate benefits or supplemental
3 compensation in fiscal years 2001-02, 2002-
4 03, 2003-04, 2004-05, and 2005-06 was in
5 excess of \$107 million.

6. *Id.*

7 7. To date, Defendants have not produced a
8 single piece of evidence demonstrating that
9 the County's Board of Supervisors
10 specifically authorized, approved,
11 considered, or deliberated on the payment of
12 duplicate benefits or supplemental
13 compensation to trial judges in light of the
14 passage of the Act.

7. PJO Decl. at para. 12.

15
16 8. Nor have Defendants produced any
17 evidence that the County affirmatively
18 decided to pay duplicate benefits or
19 supplemental compensation in order to
20 attract and retain well-qualified judges to
21 serve the public in the one of the most
22 expensive regions in the state.

8. *Id.*

1 9. Nor have Defendants presented any
2 evidence that the County ever considered
3 whether the payment of duplicate benefits or
4 supplemental compensation to trial judges
5 would provide an additional public benefit
6 to taxpayers in light of the fact that the State
7 already pays benefits to trial judges.
8
9
10

9. *Id.*

11 Dated: November 6, 2006

Respectfully submitted,
JUDICIAL WATCH, INC.

14 By:

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On November 6, 2006, I served the foregoing document described as:

by placing a true and correct copy thereof in a sealed envelope addressed as follows:

I caused such envelope to be deposited in the U.S. mail, with postage thereon fully prepaid, at San Marino, California. I am “readily familiar” with the firm’s practice of collecting 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, at San Marino, California 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 affidavit.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 6, 2006 at San Marino, California.

CONSTANCE S. RUFFLEY