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OF ORIGINAL FILED
Los Angeles Superior Court

APR 21 2009

John A. Clarke, Executive Officer/Clerk
[Signature]
GLORIETTA ROBINSON, Deputy

Attorneys for Plaintiff

8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 HAROLD P. STURGEON,
11 Plaintiff,
12
13 v.
14 COUNTY OF LOS ANGELES, *et al.*,
15 Defendants,
16 and
17 SUPERIOR COURT FOR THE STATE
18 OF CALIFORNIA, COUNTY OF
19 LOS ANGELES,
20 Interveners.

) Case No. BC351286
) **PLAINTIFF'S SEPARATE STATEMENT**
) **OF UNDISPUTED MATERIAL FACTS IN**
) **SUPPORT OF PLAINTIFF'S MOTION**
) **FOR SUMMARY JUDGMENT**
)
) DATE: July 2, 2009
) TIME: 10:00 a.m.
) PLACE: Dep't 1
) JUDGE: Honorable James A. Richman
) (Sitting By Designation)
)
) ACTION FILED: April 24, 2006
) TRIAL DATE: None Set

1 Pursuant to section 437c, subdivision (b)(1), of the Code of Civil Procedure, Plaintiff
2 respectfully submits this Separate Statement of Undisputed Material Facts in support of his
3 accompanying Motion for Summary Judgment, with citations to supporting evidence.

4 **UNDISPUTED MATERIAL FACT**

SUPPORTING EVIDENCE

5 1. Plaintiff Harold P. Sturgeon has paid
6 taxes to the County of Los Angeles in the
7 one-year period prior to the commencement
8 of this action on April 24, 2006 and is
9 eligible to maintain this action under Code
10 of Civil Procedure § 526a.

1. Defendants' Responses to Plaintiff's First
Set of Requests for Admission at Response
No. 1, attached as Exhibit 1 to the
Declaration of Sterling E. Norris in Support
of Plaintiff's Motion for Summary Judgment
("Norris Decl.").

11
12 2. Since July 1, 1997, the County of Los
13 Angeles has paid local judicial benefits to
14 the judges of the Los Angeles County
15 Superior Courts.

2. Defendants' Response to Plaintiff's First
Set of Requests for Admission at Response
Nos. 2-8, attached as Exhibit 1 to Norris
Decl.

16
17 3. On December 1, 2008, Governor
18 Arnold Schwarzenegger issued a
19 proclamation convening a second
20 extraordinary session of the California
21 Legislature to legislate on the following
22 subjects: "(1) To consider and act upon
23 legislation to address the economy,
24 including but not limited to efforts to
25 stimulate California's economy, create and
26 retain jobs, and streamline the operations of
27 state and local government. (2) To consider

3. Plaintiff's Request for Judicial Notice in
Support of Plaintiff's Motion for Summary
Judgment; Proclamation by the Governor of
the State of California, December 1, 2008.

1 and act upon legislation to address the
2 housing mortgage crisis. (3) To consider
3 and act upon legislation to address the
4 solvency of the Unemployment Insurance
5 Fund.”

6
7 4. In 2003-04, Alameda County paid \$1,350
8 per judge for a “cafeteria” benefits plan for
9 the 69 state trial court judges who sat in that
10 county, for a total cost of \$150,000.

4. *Id.* San Bernardino County Grand Jury
Final Report, 2006-2007 at 40.

11
12 5. In 2003-04, Fresno County paid
13 \$1,121.42 per judge for health insurance and
14 \$92.56 for a life insurance policy for each of
15 the state trial court judges who sat in that
16 county.

5. *Id.*

17
18 6. In 2003-04, Riverside County paid a car
19 allowance to each of the state court trial
20 judges who sat in that county. It also
21 provided the state court judges who sat in
22 the county with deferred compensation and a
23 life insurance policy.

6. *Id.*

24
25 7. In 2003-04, San Diego County paid no
26 benefits to the 128 state trial court judges
27 who sat in that county.

7. *Id.*

1 8. In 2003-04, Santa Barbara County paid
2 no benefits to the 19 state trial court judges
3 who sat in that county.

8. *Id.*

5 9. In 2003-04, Santa Clara County paid for a
6 \$25,000 life insurance policy for each of the
7 79 state trial court judges who sat in that
8 county.

9. *Id.*

10 10. In 2003-04, San Bernadino County
11 provided \$19,371.56 worth of benefits for
12 each of the 83 state trial court judges who
13 sat in the county, for a total of \$1,607,839.

10. *Id.*

15 11. In 2006-07, San Bernadino County
16 provided \$19,700 worth of benefits for each
17 of the 83 state trial court judges who sat in
18 the county, for a total of \$1,635,100.

11. *Id.*

20 Dated: April 21, 2009

Respectfully submitted,

JUDICIAL WATCH, INC.

By:



Sterling E. Norris (SBN 040993)

Attorneys for Plaintiff

PROOF OF SERVICE BY MAIL

I am employed in the City of San Marino, CA. I am over the age of 18 and not a party to the within action. My business address is 2540 Huntington Drive, Suite 201, San Marino, CA 91108.

On April 21, 2009, I served the foregoing document described as **PLAINTIFF'S SEPARATE STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action:

BY MAIL

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

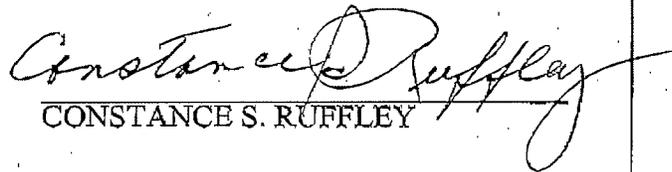
SEE ATTACHED SERVICE LIST

I caused such envelope to be deposited in the U.S. mail, with postage thereon fully prepaid, at San Marino, CA. 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, CA 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.

FACSIMILE

I caused the document(s) to be faxed to the interested parties in the within action by transmitting, via facsimile to the name(s) and the facsimile number(s) set forth above.

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 April 21, 2009, at San Marino, CA.


CONSTANCE S. RUFFLEY

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