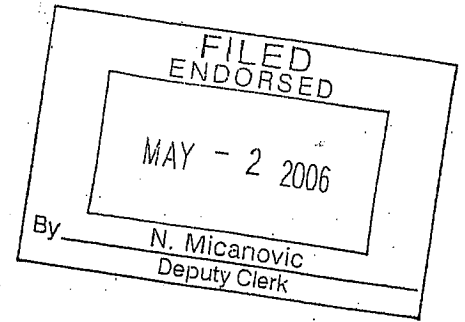


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7 Attorneys for Plaintiff



8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SACRAMENTO

10 THE ZUMBRUN LAW FIRM,

11 Plaintiff,

12 v.

13 CALIFORNIA LEGISLATURE; JOINT  
14 COMMITTEE ON RULES; ASSEMBLY  
15 COMMITTEE ON RULES; SENATE  
16 RULES COMMITTEE; JON WALDIE,  
17 Chief Administrative Officer of the Joint  
18 Committee on Rules and Assembly  
19 Committee on Rules; GREGORY P.  
20 SCHMIDT, Secretary of the Senate and  
21 Senate Rules Committee; KEITH FELTE,  
22 Senate Rules Committee and DOES 1 through  
23 50, inclusive,

24 Defendants.

Case No.: 06AS00775

Complaint Filed: 2/27/06

DECLARATION OF RONALD A.  
ZUMBRUN IN SUPPORT OF  
EX PARTE APPLICATION FOR ORDER  
TO SHOW CAUSE RE: VIOLATIONS OF  
LEGISLATIVE OPEN RECORDS ACT  
AND DECLARATORY AND  
INJUNCTIVE RELIEF

Date: 5/4/06  
Time: 9:15 a.m.  
Dept.: 53  
Trial Date: None

The Hon. Loren E. McMaster

25 I, Ronald A. Zumbun, declare:

26 1. I am an attorney for plaintiff in the above-captioned action and make this declaration  
27 in support of plaintiff's Ex Parte Application for Order to Show Cause Re: Violations of  
28 Legislative Open Records Act and Declaratory and Injunctive Relief, which is filed herewith.

1           2. I am also the President and Managing Attorney of plaintiff The Zumbrun Law Firm  
2 herein.

3           3. I have read the allegations contained in the ex parte application and memorandum of  
4 points and authorities in support of the order to show cause and know its contents. The facts  
5 stated therein under Factual Background and Arguments I and II are within my own personal  
6 knowledge, except as to those matters stated therein upon information and belief, and as to those  
7 matters, I believe them to be true. If called upon to do so, I can competently testify as to all facts  
8 stated therein.

9           4. It is essential to proceed with an ex parte application for an Order to Show Cause in  
10 order to meet the statutory requirements to secure a decision at the earliest possible time. This  
11 will provide the Court with the opportunity to exercise its discretion as to the procedures to be  
12 followed in order to expedite this proceeding. The California Legislative Open Records Act  
13 (LORA) of Government Code section 9076, and Code of Civil Procedure section 526a both  
14 provide that this proceeding is to be expedited by the Court. Section 526a provides: “[a]n action  
15 brought pursuant to this section to enjoin a public improvement project shall take special  
16 precedence over all civil matters on the calendar of the court ....” Section 9076 of LORA  
17 provides that “hearings in such proceedings shall be set by the judge of the court with the object  
18 of securing a decision as to such matters at the *earliest possible time.*” (Emphasis added.)  
19 Further, the subject construction project is under way which results in further damage to the  
20 public each day.

21           5. Attached hereto as Exhibit 1 is a true and correct copy of the December 5, 2005  
22 requests for records submitted by plaintiff under LORA.

23           6. Attached hereto as Exhibit 2 is a true and correct copy of the responses by defendants  
24 to plaintiff’s LORA requests.

25           7. Attached hereto as Exhibit 3 is a true and correct copy of plaintiff’s December 30,  
26 2005, Public Records Act requests to the State Department of Finance and the State Department  
27 of General Services and their responses.

28           8. On May 1, 2006, at approximately 3:20 p.m., I telephoned opposing counsel Marian

1 Johnston and left a message advising her of the subject ex parte application for order to show  
2 cause scheduled for May 4, 2006, at 9:15 a.m., in Department 53 of this Court. This information  
3 was confirmed by a follow-up conversation with Ms. Johnston on May 1, 2006, at approximately  
4 3:49 p.m. I subsequently provided opposing counsel with a copy of the subject ex parte  
5 application for order to show cause and supporting papers on the morning of May 2, 2006, at  
6 approximately 10:30 a.m. I indicated that the relief being sought is an order (1) finding that  
7 defendants have violated the California Legislative Open Records Act; (2) ordering defendants to  
8 fully comply with the California Legislative Open Records Act; (3) requiring defendants to  
9 properly identify the documents not produced and the exemption or privilege claimed and  
10 allowing the Court to review the documents not produced in camera; (4) to produce its  
11 authorization to include union-only requirements in its contracts; (5) upon failing to produce  
12 such authorization, to declare and enjoin said restriction as unlawful and unenforceable, and at a  
13 subsequent hearing also to issue a further order; (6) finding that there has been an unlawful  
14 delegation of contracting authority; (7) finding that defendants have violated section 526a of the  
15 Code of Civil Procedure; (8) finding that they have violated the separation of powers clause of  
16 the California Constitution , Article III, section 2; and (9) such other and further relief as this  
17 Court may deem just and proper.

18 Counsel for defendants has indicated that she will appear at the May 4, 2006, hearing  
19 but as yet have not taken a position on the issuance of an order to show cause.

20 I declare under penalty and perjury under the laws of the State of California that the  
21 facts stated in this declaration are within my own personal knowledge and are true and correct,  
22 and if called upon to do so, I could competently testify to all matters stated herein. This  
23 declaration was executed this 2nd day of May, 2006, Sacramento, California.

24  
25   
26 RONALD A. ZUMBRUN