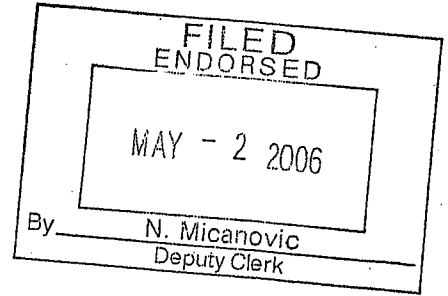


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6 Attorneys for Plaintiff



7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11 THE ZUMBRUN LAW FIRM,

12 Plaintiff,

13 v.

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

Defendants.

Case No.: 06AS00775

Complaint Filed: 2/27/06

NOTICE 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

23 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

24 NOTICE IS HEREBY GIVEN that plaintiff The Zumbrun Law Firm, through its
25 attorneys of record herein will, on May 4, 2006, at 9:15 a.m., or as soon thereafter as the matter
26 may be heard in Department 53 of the Superior Court of California, County of Sacramento, 800
27 Ninth Street, Sacramento, California, before the Honorable Loren E. McMaster, apply ex parte
28 for an order to show cause regarding violations of the Legislative Open Records Act and

1 declaratory and injunctive relief ordering the defendants, their agents, servants, assigns,
2 attorneys, and all those acting in concert with them to appear before this Court to show cause, if
3 any they have, why relief should not be ordered (1) finding that defendants have violated
4 California's Legislative Open Records Act; (2) ordering defendants to fully comply with the
5 Legislative Open Records Act; (3) requiring defendants to properly identify the documents not
6 produced and the exemption or privilege claimed and allowing the Court to review the
7 documents not produced in camera; (4) to produce its authorization to include union-only
8 requirements in its contracts; (5) upon failing to produce such authorization, to declare and
9 enjoin said restriction as unlawful and unenforceable, and at a subsequent hearing also to issue a
10 further order; (6) finding that there has been an unlawful delegation of contracting authority; (7)
11 finding that defendants have violated section 526a of the Code of Civil Procedure; (8) finding
12 that defendants have violated the separation of powers clause of the California Constitution,
13 Article III, section 2; and (9) granting such other and further relief as this Court may deem just
14 and proper.

15 This application is made on the grounds that irreparable injury will result to plaintiff and
16 the public if relief is not granted; that legal remedies do not provide adequate relief to plaintiff;
17 that the defendants would be making illegal and/or wasteful expenditures of public funds should
18 the relief sought not be granted, and that plaintiff is entitled to have this Court provide hearings
19 in this proceeding at the earliest possible time.

20 Plaintiff has not previously submitted an application for the relief sought herein.

21 This application is based on the memorandum of points and authorities and the
22 declaration of Ronald A. Zumbrun filed concurrently herewith, the complaint and all other
23 pleadings on file in this action, and upon such further evidence as may be presented at the time of
24 the hearing.

25 NOTICE IS FURTHER GIVEN that on the court day before the hearing on the Order to
26 Show Cause, all parties must comply with the Court's tentative ruling procedures, which are as
27 follows:

28 Pursuant to Local Rule 3.04, the court will make a tentative ruling on the merits of

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this matter by 2:00 p.m., the court day before the hearing. To receive the tentative ruling, call the department in which the matter is to be heard at 448-8239 (Department 53) or 448-8234 (Department 54). If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held.

Pursuant to California Rules of Court, rule 379(d), the name, address and telephone number of attorneys and their clients notified are as follows: Diane F. Boyer-Vine, Legislative Counsel; Mirian M. Johnston, Deputy Legislative Counsel; Aaron D. Silva, Deputy Legislative Counsel; Office of Legislative Counsel, 925 L Street, Suite 900, Sacramento, California 95814; (916) 341-8123; and defendants The California Legislature, Joint Committee on Rules, Assembly Committee on Rules, Senate Rules Committee, Jon Waldie, Gregory P. Schmidt of the Senate Rules Committee, California Legislature, State Capitol, Sacramento, CA 95814, and Keith K. Felte, 5081 Moddisonn Avenue, Sacramento, CA 95819.

Attorneys for defendants will appear at the May 4, 2006 hearing but have not yet taken a position on the issue of an order to show cause. (Rule of Court § 379(e)(1).)

DATED: May 2, 2006.

Respectfully submitted,

RONALD A. ZUMBRUN
MARK A. TEH
THE ZUMBRUN LAW FIRM

By Ronald A. Zumbun
RONALD A. ZUMBRUN
Attorneys for Plaintiff