

1 Gregg McLean Adam, No. 203436
Jonathan Yank, No. 215495
2 Marie A. Tenny, No. 262670
CARROLL, BURDICK & McDONOUGH LLP
3 Attorneys at Law
44 Montgomery Street, Suite 400
4 San Francisco, CA 94104
Telephone: 415.989.5900
5 Facsimile: 415.989.0932
Email: gadam@cbmlaw.com
6 jyank@cbmlaw.com
mtenny@cbmlaw.com

7
8 Daniel M. Lindsay, No. 142895
**CALIFORNIA CORRECTIONAL
PEACE OFFICERS' ASSOCIATION**
9 755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634
10 Telephone: 916.372.6060
Facsimile: 916.372.9805
11 E-Mail: dan.lindsay@ccpoa.org

12 Attorneys for Intervenor
California Correctional Peace Officers' Association
13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SACRAMENTO
16

17 DEBBIE L. ENDSLEY; CALIFORNIA
DEPARTMENT OF PERSONNEL
18 ADMINISTRATION,

19 Petitioners/Plaintiffs,

20 v.

21 JOHN CHIANG, sued herein in his
official capacity only; OFFICE OF
22 STATE CONTROLLER,

23 Respondents/Defendants.

24 JOHN CHIANG, in his official capacity
25 as CONTROLLER OF THE STATE OF
CALIFORNIA; and the OFFICE OF
26 THE STATE CONTROLLER,

27 Cross-Complainants,
28

No. 34-2010-80000591

**DECLARATION OF JAMES P. HARRISON IN
SUPPORT OF *EX PARTE* APPLICATION FOR
LEAVE TO INTERVENE PURSUANT TO
CODE OF CIVIL PROCEDURE SECTION
387(B)**

Date: July 16, 2010

Time: 11:00 a.m.

Place: Dept. 19

Judge: Hon. Patrick Marlette

Complaint Filed: July 6, 2010

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

v.
DEBBIE L. ENDSLEY, sued herein in
her official capacity only;
CALIFORNIA DEPARTMENT OF
PERSONNEL ADMINISTRATION,

Cross-Defendants.

CALIFORNIA CORRECTIONAL
PEACE OFFICERS' ASSOCIATION,

Intervenor
Respondent/Defendant.

I, James P. Harrison, declare as follows:

1. I am an attorney and I have served as Staff Legal Counsel for the California Correctional Peace Officers' Association ("CCPOA") since January 2009. As a result of my employment, I have personal knowledge of the facts set forth herein. If called upon as a witness, I could, and would, testify competently to these facts.

2. I make this declaration in support of CCPOA's *Ex Parte* Application for Leave to Intervene pursuant to Code of Civil Procedure section 387(b).

3. On June 10, 2010, I propounded a request for production of documents to Deputy Attorney General Ross Moody, legal counsel for California State Controller John Chiang in *Newton, et al. v. Schwarzenegger et al.*, CV-09-5887-VRW, filed in the Northern District of California.

4. On June 24, 2010, in response, I received a CD in the mail with report #OT-CDCR5G, which contained overtime data from January 2009 through April 2010 for individual employees of the California Department of Corrections and Rehabilitation, including the employees from Bargaining Unit 6 and their supervisors, as well as a letter from Ross Moody explaining what was on the CD. Attached as Exhibit A is a true and correct copy of that letter from Ross Moody.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. I copied the contents of the CD to CCPOA's shared H:\ network drive so that they could be analyzed by others, including CCPOA Information Technology Contractor Richard Warg.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 12 day of July, 2010, in Sacramento, California.

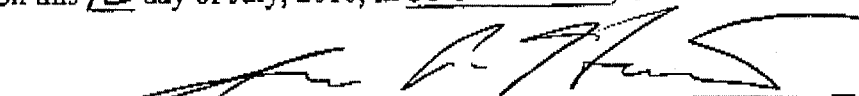

James P. Harrison

EXHIBIT A

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500
Telephone: (415) 703-1376
Facsimile: (415) 703-1234
E-Mail: Ross.Moody@doj.ca.gov

June 24, 2010

James Harrison
California Correctional Peace Officers Association
755 Riverpoint Drive, Suite 200
West Sacramento, CA 95605-1634

RE: Newton, et al. v. Schwarzenegger, et al.
United States District Court, Northern District of California, Case No. CV 09-5887 VRW

Dear Mr. Harrison:

I enclose a CD with Report #OTCDCR5G which was prepared by the State Controller's Office at your request. It contains overtime data for CDCR employees from January 2009 through April 2010 as discussed in our email exchange of June 10.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. C. Moody".

ROSS C. MOODY
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

RCM:

SA2009103337
20297607.doc