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8 **CALIFORNIA CORRECTIONAL**
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Facsimile: 916.372.9805
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12 Attorneys for Intervenor
California Correctional Peace Officers' Association

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

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

27 Cross-Complainants,
28

No. 34-2010-80000591

**DECLARATION OF JONATHAN YANK IN
SUPPORT OF *EX PARTE* APPLICATION FOR
LEAVE TO INTERVENE PURSUANT TO
CCP § 387**

Date: July 16, 2010

Time: 11:00 a.m.

Place: Dept. 19

Judge: Hon. Patrick Marlette

Complaint Filed: July 6, 2010

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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, Jonathan Yank, depose and say:

1. I am an attorney entitled to practice before all of the courts of the State of California. I am a partner with the firm of Carroll, Burdick & McDonough LLP, attorneys of record for proposed intervenor California Correctional Peace Officers' Association ("CCPOA").

2. On Monday, July 12, 2010, at approximately 2:30 p.m. I sent by facsimile and regular mail a letter to counsel of record in this case advising the following:

I write to inform you that my client, the California Correctional Peace Officers' Association ("CCPOA"), will appear in Department 19 of the Sacramento County Superior Court, before the Hon. Patrick Marlette, on Friday, July 16, 2010 at 11:00 a.m. to have heard its *Ex Parte* Application for Leave to Intervene in the above-captioned action, pursuant to Code of Civil Procedure section 387 and California Rules of Court, Rule 3.1200 *et seq.*

CCPOA will assert a right to intervene to represent the pecuniary and legal interests of its members. CCPOA believes that its members will suffer direct financial harm if petitioners' "Pay Letter" is enforced, resulting in their pay being reduced to the minimum wage prescribed by the Fair Labor Standards Act ("FLSA").

Additionally, CCPOA believes a reduction to the federal minimum wage will necessarily result in violation of its members' rights under the FLSA because approximately 15,000 of its members are required by their employer to work overtime each month. Because the "Pay Letter" provides no exemption when overtime is worked, employees' right under the FLSA to receive full wages and premium pay when overtime is performed will be violated when only the minimum wage is paid.

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Please contact me at your earliest opportunity to let me know whether your client intends to appear and, more particularly, whether your client intends to oppose intervention by CCPOA.

(A true and correct copy of the correspondence is attached hereto.) The correspondence was addressed as follows:

Attorneys for Petitioners/Plaintiffs Debbie L. Endsley; California Department of Personnel Administration

Christopher E. Thomas, Esq.
David D. King, Esq.
Department of Personnel Administration
1515 "S" Street
North Building, Suite 400
Sacramento, CA 95814

Attorneys for Respondents/Defendants and Cross-Complainants John Chiang in his official capacity as Controller of the State of California and the Office of the State Controller

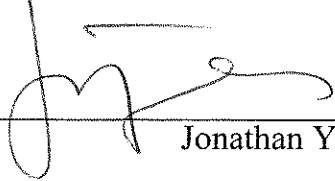
Richard J. Chivaro, Chief Counsel
Office of the California State Controller
300 Capitol Mall, Suite 1850
Sacramento, CA 95814

Attorneys for Respondents/Defendants and Cross-Complainants John Chiang in his official capacity as Controller of the State of California and the Office of the State Controller

Steven S. Rosenthal, Esq.
Mark S. Cohen, Esq.
Jay W. Waks, Esq.
Alan K. Palmer, Esq.
Bryant Delgadillo, Esq.
KAY SCHOLER LLP
1999 Avenue of the Stars, Suite 1700
Los Angeles, CA 90067

3. As of the time I signed this declaration, I received no response to the letter notice referenced in the preceding paragraph.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on this the 12th day of July 2010 at San Francisco, California.



Jonathan Yank



July 12, 2010

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Suite 400
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94104-4606

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Los Angeles
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Walnut Creek

Jonathan Yank
Direct Dial: 415.743.2413
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VIA FACSIMILE AND REGULAR MAIL

Christopher E. Thomas, Esq.
David D. King, Esq.
Department of Personnel Administration
1515 "S" Street
North Building, Suite 400
Sacramento, CA 95814

Richard J. Chivaro, Chief Counsel
Office of the California State Controller
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Complainants John Chiang in his
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the State Controller*

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Respondents/Defendants and Cross-
Complainants John Chiang in his
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State of California and the Office of
the State Controller*

**Re: *Debbie Endsley, et al. v. John Chiang, etc.*
Sacramento County Superior Court, No. 34-2010-80000591
File No. 037409**

Dear Counsel:

I write to inform you that my client, the California Correctional Peace Officers' Association ("CCPOA"), will appear in Department 19 of the Sacramento County Superior Court, before the Hon. Patrick Marlette, on Friday, July 16, 2010 at 11:00 a.m. to have heard its *Ex Parte* Application for Leave to Intervene in the above-captioned action, pursuant to Code of Civil Procedure section 387 and California Rules of Court, Rule 3.1200 *et seq.*

Re: *Debbie Endsley, et al. v. John Chiang, etc.*
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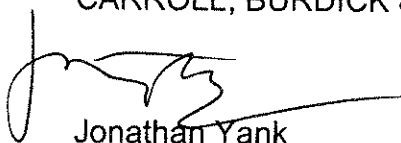
CCPOA will assert a right to intervene to represent the pecuniary and legal interests of its members. CCPOA believes that its members will suffer direct financial harm if petitioners' "Pay Letter" is enforced, resulting in their pay being reduced to the minimum wage prescribed by the Fair Labor Standards Act ("FLSA").

Additionally, CCPOA believes a reduction to the federal minimum wage will necessarily result in violation of its members' rights under the FLSA because approximately 15,000 of its members are required by their employer to work overtime each month. Because the "Pay Letter" provides no exemption when overtime is worked, employees' right under the FLSA to receive full wages and premium pay when overtime is performed will be violated when only the minimum wage is paid.

Please contact me at your earliest opportunity to let me know whether your client intends to appear and, more particularly, whether your client intends to oppose intervention by CCPOA.

Very truly yours,

CARROLL, BURDICK & McDONOUGH LLP



Jonathan Yank

JY:jo

Re: *Debbie Endsley, et al. v. John Chiang, etc.*
Sacramento County Superior Court, No. 34-2010-80000591
July 12, 2010
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Debbie Endsley, et al. v. John Chiang, etc.
Sacramento County Superior Court, Action No. 34-2010-80000591

PROOF OF SERVICE

I declare that I am employed in the County of San Francisco, State of California. I am over the age of eighteen years and not a party to the within cause; my business address is 44 Montgomery Street, Suite 400, San Francisco, CA 94104. On July 12, 2010, I served the enclosed:

LETTER DATED JULY 12, 2010

on the following interested party(s) in said cause.

Christopher E. Thomas, Esq.
David D. King, Esq.
Department of Personnel Administration
1515 "S" Street
North Building, Suite 400
Sacramento, CA 95814

christhomas@dpa.ca.gov
davidking@dpa.ca.gov

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Fax (916) 323-4723

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Sacramento, CA 95814

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(916) 445-6854
Fax (916) 322-1220

*Attorneys for Petitioners/Plaintiffs
Debbie L. Endsley; California
Department of Personnel
Administration*

*Attorneys for
Respondents/Defendants and Cross-
Complainants John Chiang in his
official capacity as Controller of the
State of California and the Office of
the State Controller*

Steven S. Rosenthal, Esq.
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(310) 788-1000
Fax (310) 788-1200

*Attorneys for
Respondents/Defendants and Cross-
Complainants John Chiang in his
official capacity as Controller of the
State of California and the Office of
the State Controller*

VIA MAIL

- By enclosing a true and correct copy thereof in a sealed envelope and, following ordinary business practices, said envelope was placed for mailing and collection in the offices of Carroll, Burdick & McDonough LLP in the appropriate place for mail collected for deposit with the United States Postal Service. I am readily familiar with the Firm's practice for collection and processing of correspondence/ documents for mailing with the United States Postal Service and that said correspondence/documents are deposited with the United States Postal Service in the ordinary course of business on this same day.

VIA FACSIMILE

- By transmitting via facsimile the correspondence/document(s) listed above from fax number 415.989.0932, to the fax number(s) set forth above during the ordinary course of business on this date before 5:00 p.m. I am readily familiar with the Firm's practice for collection and processing of correspondence/ document(s) via facsimile transmission(s). The facsimile transmission(s) was reported as complete and without error, and a copy of the transmission report is attached.

VIA OVERNIGHT DELIVERY

- .. By enclosing a true and correct copy thereof in a sealed envelope(s), addressed as above, and placing for collection by overnight mail delivery service. I am readily familiar with the Firm's practice for collection and

Re: *Debbie Endsley, et al. v. John Chiang, etc.*

Sacramento County Superior Court, No. 34-2010-80000591

July 12, 2010

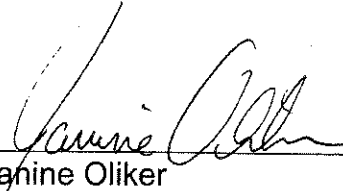
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processing of correspondence/ documents for overnight delivery , and any correspondence/document(s) placed for collection for overnight delivery would, in the ordinary course of business, be delivered to an authorized courier or driver authorized by the overnight mail delivery service to receive correspondence/documents(s), with delivery fees paid or provided for, this same day, for delivery on the following business day.

VIA HAND DELIVERY

.. By enclosing a true and correct copy thereof in a sealed envelope(s), addressed as above, and causing each envelope(s) to be hand-served on this day by courier service following ordinary business practices.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 12, 2010, at San Francisco, California.



Janine Oliker