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8 Attorneys for Plaintiffs Christopher Ellis, Bradley D. Elow,
9 Robert Finch and Howard LaBore individually, and on
10 behalf of all others similarly situated

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SAN DIEGO**

15 CHRISTOPHER ELLIS, BRADLEY D. ELOW,)
16 ROBERT FINCH and HOWARD LaBORE,)
17 individually, and on behalf of all others similarly)
18 situated,)

19 Plaintiffs,)

20 v.)

21 JACKSON, DeMARCO, TIDUS &)
22 PECKENPAUGH, A LAW CORPORATION,)
23 GREGORY GLENN PETERSEN, an individual,)
24 CHRISTOPHER D. NISSEN, an individual,)
25 BRADLEY MATHEWS, an individual,)
26 STEPHENEY R. WINDSOR, an individual,)
27 MICHAEL ANTHONY JENKINS, an individual,)
28 and DOES 1-50,)

Defendants.)

CASE NO: 37-2010-00086284-
CU-PN-CTL

NOTICE OF LODGMENT IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

Date: November 19, 2010
Time: 10:00 a.m.
Judge: Hon. Ronald S. Prager
Dept: C-71
Complaint Filed: February 24, 2010
Trial: July 15, 2011

29 In support of their Motion for Certification of Class Action, plaintiffs Christopher Ellis,
30 Bradley D. Elow, Robert Finch and Howard LaBore lodge the following documents:

- 31 Exhibit 1: Announcement to all SDPOA members of August 4, 2005 meeting with
32 Castle, Petersen & Krause at the Golden Eagle Room, Scottish Rite
33 Center, San Diego, California;
- 34 Exhibit 2: Agreement to confidentiality of matters discussed at August 4, 2005
35 meeting with attorneys at Scottish Rite Center signed by Christopher Ellis;
- 36 Exhibit 3: Agreement to confidentiality of matters discussed at August 4, 2005

- 1 meeting with attorneys at Scottish Rite Center signed by Bradley D. Elow;
- 2 Exhibit 4: Agreement to confidentiality of matters discussed at August 4, 2005
- 3 meeting with attorneys at Scottish Rite Center signed by Robert Finch;
- 4 Exhibit 5: Agreement to confidentiality of matters discussed at August 4, 2005
- 5 meeting with attorneys at Scottish Rite Center signed by Howard LaBore;
- 6 Exhibit 6: Legal Services Agreement signed by Christopher J. Ellis on August 5,
- 7 2005;
- 8 Exhibit 7: Legal Services Agreement signed by Bradley D. Elow on August 16, 2005;
- 9 Exhibit 8: Legal Services Agreement signed by Robert Finch on August 5, 2005;
- 10 Exhibit 9: Legal Services Agreement signed by Howard LaBore on August 4, 2005;
- 11 Exhibit 10: Joint representation agreement, Retiree Medical Benefits Case, dated
- 12 January 26, 2006, signed by Christopher J. Ellis;
- 13 Exhibit 11: Joint representation agreement, Retiree Medical Benefits Case, dated
- 14 January 17, 2006, signed by Bradley D. Elow;
- 15 Exhibit 12: Joint representation agreement, Retiree Medical Benefits Case, dated
- 16 January 17, 2006, signed by Robert Finch;
- 17 Exhibit 13: Joint representation agreement, Retiree Medical Benefits Case, dated
- 18 January 27, 2006, signed by Howard A. LaBore;
- 19 Exhibit 14: Joint representation agreement, Last, Best and Final Case, dated January
- 20 26, 2006, signed by Christopher J. Ellis;
- 21 Exhibit 15: Joint representation agreement, Last, Best and Final Case, dated January
- 22 17, 2006, signed by Bradley D. Elow;
- 23 Exhibit 16: Joint representation agreement, Last, Best and Final Case, dated January
- 24 17, 2006, signed by Robert Finch;
- 25 Exhibit 17: Joint representation agreement, Last, Best and Final Case, dated January
- 26 27, 2006, signed by Howard A. Labore;
- 27 Exhibit 18: Joint representation agreement, Pension Funding Case, dated January 26,
- 28 2006, signed by Christopher J. Ellis;

- 1 Exhibit 19: Joint representation agreement, Pension Funding Case, dated January 17,
2 2006, signed by Bradley D. Elow;
- 3 Exhibit 20: Joint representation agreement, Pension Funding Case, dated January 17,
4 2006, signed by Robert Finch;
- 5 Exhibit 21: Joint representation agreement, Pension Funding Case, dated January 27,
6 2006, signed by Howard LaBore
- 7 Exhibit: 22: Letter dated January 6, 2006, from Michael Anthony Jenkins to Howard A.
8 LaBore;
- 9 Exhibit 23: Letter dated January 9, 2006, from Michael Anthony Jenkins to
10 Christopher J. Ellis;
- 11 Exhibit 24: E-mail dated October 2, 2006, from Steve Colella to Khristina Smith;
- 12 Exhibit 25: E-mail blast dated March 16, 2007, from Castle, Petersen & Krause to all
13 SDPOA clients;
- 14 Exhibit 26: E-mail dated April 9, 2007, from Stepheney Windsor to Bill Nemeec;
- 15 Exhibit 27: E-mail blast dated May 20, 2007, from Jackson, DeMarco, Tidus, Petersen
16 & Peckenpaugh to all SDPOA clients;
- 17 Exhibit 28: E-mail blast dated June 27, 2007, from Jackson, DeMarco, Tidus, Petersen
18 & Peckenpaugh to all SDPOA clients;
- 19 Exhibit 29: E-mail blast dated October 28, 2007, from Jackson, DeMarco, Tidus,
20 Petersen & Peckenpaugh to all SDPOA clients;
- 21 Exhibit 30: E-mail blast dated March 26, 2008, from Jackson, DeMarco, Tidus &
22 Peckenpaugh to Abbe and Aaron plaintiffs;
- 23 Exhibit 31: E-mail dated March 27, 2008, from Christopher Nissen to Mike and
24 Ramona Hastings;
- 25 Exhibit 32: E-mail dated May 22, 2008, from Jackson, DeMarco, Tidus &
26 Peckenpaugh to JDTP Clients;
- 27 Exhibit 33: E-mail dated September 23, 2008, from Jackson, DeMarco, Tidus &
28 Peckenpaugh to its San Diego clients;

- 1 Exhibit 34: E-mail dated November 11, 2009, from Jackson, DeMarco, Tidus &
2 Peckenpaugh to JDTP Clients:
- 3 Exhibit 35: E-mail dated December 18, 2009, from Jackson, DeMarco, Tidus &
4 Peckenpaugh to JDTP Clients:
- 5 Exhibit 36: Invoice dated June 30, 2007, from Jackson, DeMarco, Tidus &
6 Peckenpaugh to San Diego Police Officers' Association;
- 7 Exhibit 37: Excerpts from Transcript of May 1, 2007 Motion Hearing Before The
8 Honorable Marilyn L. Huff in *San Diego Police v. Aguirre, et al.*, United
9 States District Court Case No. 05-cv-1581-H;
- 10 Exhibit 38: Notice of Change of Firm Name and Address, dated May 17, 2007, filed in
11 *San Diego Police v. Aguirre, et al.*, United States District Court Case No.
12 05-cv-1581-H (signed by defendant Christopher D. Nissen of Jackson,
13 DeMarco, Tidus, Petersen & Peckenpaugh);
- 14 Exhibit 39: Notice of Change of Firm Name and Address, dated May 17, 2007, filed in
15 *San Diego Police v. Aguirre, et al.*, United States District Court Case No.
16 05-cv-1581-H (signed by defendant Stepheney Windsor of Jackson,
17 DeMarco, Tidus, Petersen & Peckenpaugh);
- 18 Exhibit 40: Notice of Change of Firm Name and Address, dated May 17, 2007, filed in
19 *San Diego Police v. Aguirre, et al.*, United States District Court Case No.
20 05-cv-1581-H (signed by defendant Gregory G. Petersen of Jackson,
21 DeMarco, Tidus, Petersen & Peckenpaugh);
- 22 Exhibit 41: Appellants' Notice of Change of Firm Name, dated May 24, 2007, filed in
23 *William J. McGuigan v. City of San Diego*, Court of Appeal Case No.
24 D050291 (signed by defendant Christopher D. Nissen of Jackson,
25 DeMarco, Tidus, Petersen & Peckenpaugh);
- 26 Exhibit 42: Letter to clients dated May 11, 2007, from Gregory G. Petersen of
27 Jackson, DeMarco, Tidus, Petersen & Peckenpaugh;
- 28 Exhibit 43: Declaration of Gregory G. Petersen, dated May 29, 2008, in *Morris Batts*,

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et al. v. City of Los Angeles, United States District Court Case No. 06-0843-GAF (AJW);

Exhibit 44: Complaint for Damages, Declaratory and Injunctive Relief filed August 9, 2005, in *San Diego Police Officers' Association v. Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581 H (POR);

Exhibit 45: Defendant City of San Diego, Ralph Inzunza, Mary Vattimo, Michael Uberuaga, Ed Ryan, Terri Webster, Michael Zucchet, Bruce Herring, Scott Peters, Jim Madaffer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Cathy Lexin and P. Lamont Ewell's Notice of Motion and Motion for Partial Summary Judgment Regarding Claims Relating to the 2005 Negotiations, filed February 12, 2007, in *San Diego Police Officers' Association v. Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581 H (POR);

Exhibit 46: Defendant City of San Diego, Ralph Inzunza, Mary Vattimo, Michael Uberuaga, Ed Ryan, Terri Webster, Michael Zucchet, Bruce Herring, Scott Peters, Jim Madaffer, Toni Atkins, Tony Young, Brian Maienschein, Donna Frye, Cathy Lexin and P. Lamont Ewell's Motion for Partial Summary Judgment Regarding Claims Relating to the 2005 Negotiations, filed February 12, 2007, in *San Diego Police Officers' Association v. Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581 H (POR);

Exhibit 47: Opposition by Plaintiff SDPOA to Motion for Partial Summary Judgment by Defendants City and Individuals Re 2005 Negotiations; Memorandum of Points and Authorities, filed February 26, 2007, in *San Diego Police Officers' Association v. Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581 H (POR);

Exhibit 48: Excerpts from the Declaration of Bradley R. Mathews in Support of Plaintiff's Opposition to Motion for Partial Summary Judgment [etc.],

- 1 filed February 26, 2007, in *San Diego Police Officers' Association v.*
2 *Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581
3 H (POR) (including Exhibit "K" to that declaration);
- 4 Exhibit 49: Excerpts from Plaintiff's Separate Statement of Disputed Facts in
5 Opposition to Defendants' Separate Statement Re Negotiations, filed
6 February 26, 2007, in *San Diego Police Officers' Association v. Michael*
7 *Aguirre, et al.*, United States District Court Case No. 05-cv-1581 H
8 (POR);
- 9 Exhibit 50: Memorandum dated November 20, 1981, from City of San Diego City
10 Manager to All City Employees;
- 11 Exhibit 51: Excerpts from Defendants City of San Diego, Toni Atkins, P. Lamont
12 Ewell, Donna Frye, Bruce Herring, Ralph Inzunza, Cathy Lexin, Jim
13 Madaffer, Brian Maienschein, Scott Peters, Ed Ryan, Michael Uberuaga,
14 Mary Vattimo, Terri Webster, Tony Young, Michael Zucchet's Separate
15 Statement in Response to Plaintiff's Separate Statement of Disputed Facts
16 in Support of Opposition to city and Individual Defendants' City and
17 Separate Statement Re Negotiations, filed March 5, 2007, in *San Diego*
18 *Police Officers' Association v. Michael Aguirre, et al.*, United States
19 District Court Case No. 05-cv-1581 H (POR);
- 20 Exhibit 52: Excerpts from Supplemental Declaration of Christopher D. Nissen in
21 Support Plaintiff SDPOA'S Opposition to Defendant City's and Individual
22 Defendants' Joint Motion for Partial Summary Judgment Re 2005
23 Negotiations, filed April 20, 2007, in *San Diego Police Officers'*
24 *Association v. Michael Aguirre, et al.*, United States District Court Case
25 No. 05-cv-1581 H (POR) (including page 77 of that document);
- 26 Exhibit 53: Excerpts from Transcript of April 23, 2007 Motion Hearing Before The
27 Honorable Marilyn L. Huff in *San Diego Police Officers' Association v.*
28 *Michael Aguirre, et al.*, United States District Court Case No. 05-cv-1581

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H (POR);

- Exhibit 54: Jackson, DeMarco, Tidus, Petersen & Peckenpaugh memorandum dated December 4, 2007, regarding SDPOA Retiree Healthcare Case Workup;
- Exhibit 55: Jackson, DeMarco, Tidus, Petersen & Peckenpaugh memorandum dated December 5, 2007, regarding SDPOA Retiree Healthcare Benefits:

TALKING POINTS;

- Exhibit 56: Appellant San Diego Police Officers' Association's Consolidated Reply Brief, dated May 28, 2008, in *San Diego Police Officers' Association v. Michael Aguirre, et al.*, United States Court of Appeals Case No. 07-56004;
- Exhibit 57: Complaint for Damages and Other Relief, and Demand for Jury Trial [etc.] filed July 18, 2006, in *Erica Aaron, et al. v. Michael Aguirre, et al.*, United States District Court Case No. 06-cv-1451 JM (RBB);
- Exhibit 58: Declaration of Larry J. Roberts of The Petersen Law Firm in Support of Motions to Dismiss, to Withdraw, and To Continue, filed November 25, 2009, in *Mark S. Annis, et al. v. Michael Aguirre, et al.*, United States Court of Appeals Case No. 08-56653, United States District Court Case No. 06-cv-1451;
- Exhibit 59: Defendant Jackson, DeMarco, Tidus & Peckenpaugh's Answer to Complaint in *Ellis, et al. v. Jackson, DeMarco, et al.*, San Diego Superior Court Case No. 37-2010-00086284, dated August 20, 2010;
- Exhibit 60: Defendant Petersen's Answer to Complaint in *Ellis, et al. v. Jackson, DeMarco, et al.*, San Diego Superior Court Case No. 37-2010-00086284, dated August 30, 2010;
- Exhibit 61: Defendant Nissen's Answer to Plaintiffs' Class Action Complaint in *Ellis, et al. v. Jackson, DeMarco, et al.*, San Diego Superior Court Case No. 37-2010-00086284, dated May 4, 2010;
- Exhibit 62: Defendant Stepheney Windsor's Answer to Plaintiffs' Complaint in *Ellis,*

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et al. v. Jackson, DeMarco, et al., San Diego Superior Court Case No. 37-2010-00086284, dated July 28, 2010;

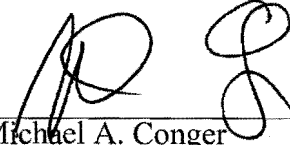
Exhibit 63: E-mail blast Sampling of recent cases involving Gregory Glenn Petersen provided to *Abbe* and *Aaron* plaintiffs;

Exhibit 64: City's Law Best and Final Offer to SDPOA for FY2010, dated April 8, 2009; and

Exhibit 65: Statements of interest in proceeding as a class from numerous putative class members.

Dated: October 15, 2010

LAW OFFICE OF MICHAEL A. CONGER

By: 

Michael A. Conger
Attorney for Plaintiffs