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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

13 SIA CHUE YANG, PATSY MILLER, LYDIA)
DOMINGUEZ, ALEX BROWN, by and through)
14 his mother and next friend Lisa Brown, DONNA)
BROWN, CHLOE LIPTON, by and through her)
15 conservator and next friend Julie Weissman-)
Steinbaugh, HERBERT M. MEYER, LESLIE)
16 GORDON, CHARLENE AYERS, WILLIE)
BEATRICE SHEPPARD, and ANDY)
17 MARTINEZ, on behalf of themselves and a class)
of those similarly situated; SERVICE)
18 EMPLOYEES INTERNATIONAL UNION)
UNITED HEALTHCARE WORKERS WEST;)
19 SERVICE EMPLOYEES INTERNATIONAL)
UNION UNITED LONG-TERM CARE)
20 WORKERS; SERVICE EMPLOYEES)
INTERNATIONAL UNION LOCAL 521; and)
21 SERVICE EMPLOYEES INTERNATIONAL)
UNION CALIFORNIA STATE COUNCIL,)

22 Plaintiffs,)

23 v.)

24 ARNOLD SCHWARZENEGGER, Governor of)
the State of California; JOHN A. WAGNER,)
25 Director of the California Department of Social)
Services; DAVID MAXWELL-JOLLY, Director)
26 of the California Department of Health Care)
Services; JOHN CHIANG, California State)
27 Controller; FRESNO COUNTY; and FRESNO)
28 COUNTY IN-HOME SUPPORTIVE SERVICES)
PUBLIC AUTHORITY,)

Defendants.)

Case No. C 09-02306 CW

**PLAINTIFFS' OBJECTIONS TO STATE
DEFENDANTS' EVIDENCE IN
SUPPORT OF STATE'S OPPOSITION
TO MOTION FOR CLASS
CERTIFICATION**

DATE: Submitted on Papers
LOCATION: Courtroom 2, 4th Floor

1 Plaintiffs hereby assert the following objections to the evidence submitted by Defendants Arnold
 2 Schwarzenegger, John A. Wagner, and David Maxwell-Jolly (collectively "State Defendants") in support
 3 of State Defendants' opposition to Plaintiffs' motion for class certification.

4 **Eileen Carroll Declaration (Dkt. 252)**

Paragraph/ Exhibit	Grounds for Objection
<p>5 ¶5, Ex. A ("spreadsheet prepared by 6 [California Department of Social Services] 7 staff that sets forth the wages and benefits 8 in the 21 counties as of July 1, 2009, after 9 the reduction in the State participation 10 level").</p>	<p>11 <u>Inadmissible hearsay under Fed. R. Evid. 801, 802.</u> 12 Information in spreadsheet is offered for the truth of the 13 matters asserted (State Opp. at 2, 4, 7, 9, 10, 12), and is 14 thus inadmissible hearsay.</p> <p>15 <u>Not sufficiently supported under Fed. R. Evid. 602, 701.</u> 16 Data and methodology leading to information reported 17 are not established, so foundation for personal knowledge 18 of these results is not established. As an example of the 19 spreadsheet's unreliability, the spreadsheet incorrectly 20 lists the pre-July 1, 2009 wage for Contra Costa County 21 as \$11.25, but the pre-July 1, 2009 wage for Contra 22 Costa County was actually \$11.50. <i>See</i> Roth Decl.¶5(b) 23 (Dkt. 43). Plaintiffs also object because State Defendants 24 have not indicated who in particular prepared the 25 spreadsheet.</p>
<p>26 ¶8, Ex. C ("chart CDSS staff prepared 27 setting forth the 'out' clause or 'reopener' 28 clause language, if any, contained in the MOU for each of those counties").</p>	<p>29 <u>Inadmissible hearsay under Fed. R. Evid. 801, 802.</u> 30 Information in chart is offered for the truth of the matters 31 asserted (State Opp. at 3, 8), and is thus inadmissible 32 hearsay.</p> <p>33 <u>Not sufficiently supported under Fed. R. Evid. 602, 701.</u> 34 Data and methodology leading to information reported 35 are not established, so foundation for personal knowledge 36 of the information contained in the chart is not 37 established.</p>

38 Dated: February 11, 2010

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By: /s/ Emily B. White
 Emily B. White
 Attorneys for Plaintiffs