

1 STEPHEN P. BERZON (SBN 46540)
SCOTT A. KRONLAND (SBN 171693)
2 STACEY M. LEYTON (SBN 203827)
PEDER J. THOREEN (SBN 217081)
3 ANNE N. ARKUSH (SBN 254985)
EMILY B. WHITE (SBN 254294)
4 Altshuler Berzon LLP
177 Post Street, Suite 300
5 San Francisco, California 94108
Telephone: (415) 421-7151
6 Facsimile: (415) 362-8064
sberzon@altshulerberzon.com
7 skronland@altshulerberzon.com
sleyton@altshulerberzon.com
8 pthoreen@altshulerberzon.com
aarkush@altshulerberzon.com
9 ewhite@altshulerberzon.com

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 MILLR, 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
FRESNO DEFENDANTS' EVIDENCE IN
SUPPORT OF FRESNO DEFENDANTS'
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 Fresno
 2 County and Fresno County In-Home Supportive Services Public Authority (collectively, “the County” or
 3 “Fresno Defendants”) in support of Fresno Defendants’ opposition to Plaintiffs’ motion for class
 4 certification.

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 6 **Request for Judicial Notice of Declaration of Sanja Kovacevic (Dkt. 250)**

<u>Paragraph/ Exhibit</u>	<u>Grounds for Objection</u>
8 Exhibit 1, ¶ 6 (“Fresno County’s wages 9 and benefits were negotiated through an 10 agreement with an assumption that the 11 State maximum wages and benefits would 12 remain at \$12.10.”)	<p><u>Not sufficiently supported under Fed. R. Evid. 602, 701.</u> No basis is provided for Ms. Kovacevic’s assertion; she fails to establish what “assumption[s]” she is talking about or how she knows them, and she fails to establish that she was party to the “negotait[ions].” Even if she was present at negotiations, she could only offer an opinion as to her own assumptions, not the County’s, and certainly not the union’s.</p>
13 Exhibit 1, ¶¶ 6 (“If Fresno County 14 remains at the wage/benefit cost of 15 \$11.10, while the State maximum is 16 reduced to \$10.10, the County would 17 incur an additional \$5,947,265 in costs on 18 an annual basis”), 7 (“[T]he county 19 would still realize increased costs of 20 \$2,081,543 annually”), 8 21 (“\$5,356,632 is a loss that is attributed to 22 the IHSS program.”), 9 (“Of this 23 discretionary portion, approximately 66% 24 is used for IHSS program costs”), 10 25 (“[I]n order to transfer money . . . to pay 26 for the cost of maintaining IHSS provider 27 wages, the County must make a finding 28 that a transfer of funds from these programs to Social Services would constitute the most cost-effective use of available resources to maximize client outcomes. This is not reasonably likely.”), 11 (“The largest portion of the Health Realignment allocation is expended in largely non-discretionary areas”), 12 (“Mental Health Realignment funds are utilized to meet four basic State mandates”), 13 (“If such a plan is not achieved, several hundred additional county positions and corresponding critical services would have to be eliminated in order to balance expenses and revenues.”), 14 (“[T]he Governor’s May 14th budget proposal	<p><u>Not sufficiently supported under Fed. R. Evid. 602, 701.</u> Data and methodology leading to results or speculation about budgetary calculations are not established, so foundation for personal knowledge of these results is not established.</p>

1 would reduce services to elderly, children
2 and needy families in Fresno County by
3 approximately \$25.8 Million beyond any
4 reductions that Fresno County has already
5 included in its budget.”)

6 Dated: February 11, 2010

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14 By: /s/ Emily B. White
15 Emily B. White
16 Attorneys for Plaintiffs
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