



**PUBLIC EMPLOYMENT RELATIONS BOARD
FACSIMILE TRANSMITTAL SHEET**

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DATE:

July 12, 2012

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RE:

CITY OF SAN DIEGO

NOTES/COMMENTS:

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STATE OF CALIFORNIA

EDMUND G. BROWN JR., Governor

PUBLIC EMPLOYMENT RELATIONS BOARD

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July 12, 2012

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Re: *San Diego Municipal Employees Association v. City of San Diego*
Unfair Practice Charge No. LA-CE-746-M
Deputy City Attorneys Association v. City of San Diego
Unfair Practice Charge No. LA-CE-752-M
AFSCME Local 127 v. City of San Diego
Unfair Practice Charge No. LA-CE-755-M
San Diego City Firefighters Local 145 v. City of San Diego
Unfair Practice Charge No. LA-CE-758-M
ORDER DENYING CONSOLIDATED MOTION TO DISMISS

LA-CE-746-M
July 12, 2012
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Dear Counsel:

Based on my review of the City of San Diego's consolidated motion to dismiss complaints and the briefing filed by the parties, I am hereby DENYING the motion, without prejudice to the defenses raised.

The City has failed to demonstrate grounds which require dismissal of the complaints as a matter of law. PERB has jurisdiction to proceed as to the issues raised. (See *Pacific Legal Foundation v. Brown* (1981) 29 Cal.3d 168, 197-198; *Wilmar Union Elementary School District* (2000) PERB Decision No. 1371, pp. 12-15; *State of California (State Personnel Board)* (2002) PERB Decision No. 1491a-S, pp. 5-6; *People v. Johnson* (2012) 53 Cal.4th 519, 528.)

Sincerely,



Donn Ginoza
Administrative Law Judge

DNG:dng

PROOF OF SERVICE

I declare that I am a resident of or employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause. The name and address of my residence or business is Public Employment Relations Board, 1330 Broadway, Suite 1532, Oakland, CA 94612-2514.

On July 12, 2012, I served the Letter regarding Case No. LA-CE-746-M, et al., on the parties listed below by

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facsimile transmission in accordance with the requirements of PERB Regulations 32090 and 32135(d).

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I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on July 12, 2012, at Oakland, California.

C. Johnson
(Type or print name)



(Signature)