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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF PLACER

10 PLACER COUNTY DEPUTY  
11 SHERIFF’S ASSOCIATION and NOAH  
12 FREDERITO,

Petitioner,

v.

14 COUNTY OF PLACER,

15 Respondent.  
16

Case No.: S-CV-0047770

Complaint Filed: December 21, 2021  
FAC Filed: May 27, 2022

**RESPONDENT COUNTY OF PLACER’S  
OBJECTIONS TO PETITIONER’S  
EVIDENCE IN OPPOSITION TO  
RESPONDENT’S MOTION FOR SUMMARY  
JUDGMENT OR, IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION**

Date: January 26, 2023  
Time: 8:30 a.m.  
Dept.: 3

(\*Exempt from filing fees pursuant to Gov.  
Code, § 6103.)

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21 County of Placer (“Respondent”) hereby submits its Objections to the evidence of Placer  
22 County Deputy Sheriff’s Association and Noah Frederito (“Petitioner’s”) submitted in support of  
23 their Opposition to Respondent’s Motion for Summary Judgment Or, in the Alternative,  
24 Summary Adjudication.

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**OBJECTIONS TO PLAINTIFF'S EVIDENCE IN OPPOSITION TO RESPONDENT'S**

**MOTION FOR SUMMARY JUDGMENT**

**DECLARATION OF DAVID E. MASTAGNI**

Material Objected To	Grounds for Objection	Ruling
1. <b>Exhibit A, Deposition Exhibit 6</b> (Resolution No. 2002-184 Ordering Ballot Measure Repealing Measure F)	- Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___
2. <b>Exhibit A, Deposition Exhibit 8</b> (2002 Ballot Materials regarding Measure R)	- Hearsay (Evid. Code § 1200). - Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___
3. <b>Exhibit A, Deposition Exhibit 9</b> (Letter from Jeffrey Potter to Placer County Board of Supervisors)	- Hearsay (Evid. Code § 1200). - Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___
4. <b>Exhibit A, Deposition Exhibit 10</b> (Resolution No. 2006-30 Ordering Ballot Measure to Repeal Measure F as Adopted on February 7, 2006)	- Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___
5. <b>Exhibit A, Deposition Exhibit 11</b> (2006 Ballot Materials Regarding Measure A)	- Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___
6. <b>Exhibit A, Deposition Exhibit 12</b> (Argument in Favor of Measure A)	- Hearsay (Evid. Code § 1200). - Irrelevant (Evid. Code § 350).	Sustained:___ Overruled:___

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<p>7. <b>Exhibit A, Deposition Exhibit 13</b>        (Resolution No. 2006-30 Ordering Ballot Measure to Repeal Measure F with Measure A Ballot Question)</p>	<p>- Irrelevant (Evid. Code § 350).</p>	<p>Sustained:____ Overruled:____</p>
<p>8. <b>Exhibit A, Deposition Exhibit 15</b>        (January 7, 2004 Memorandum from Jan M. Christofferson to the Represented Employees of the Deputy Sheriffs' Association)</p>	<p>- No authentication (Evid. Code § 1400).        - Lacks foundation (Evid. Code § 403).        - Hearsay (Evid. Code § 1200).        - Irrelevant (Evid. Code § 350).</p>	<p>Sustained:____ Overruled:____</p>
<p>9. <b>Exhibit A, Deposition Exhibit 19</b>        (August 3, 2003 Gold County Media Article titled "Proposition F, not County, Determines Deputy Salaries")</p>	<p>- No authentication (Evid. Code § 1400).        - Lacks foundation (Evid. Code § 403).        - Hearsay (Evid. Code § 1200).        - Irrelevant (Evid. Code § 350).</p>	<p>Sustained:____ Overruled:____</p>
<p>10. <b>Exhibit B</b>        (Portions of Placer County Board of Supervisors Agenda Packets)</p>	<p>- No authentication (Evid. Code § 1400).        - Lacks foundation (Evid. Code § 403).        - Hearsay (Evid. Code § 1200).        - Irrelevant (Evid. Code § 350).</p>	<p>Sustained:____ Overruled:____</p>

**OBJECTIONS TO DECLARATION OF NOAH FREDERITO**

<b>Material Objected To</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
<p>11. <b>Paragraph 6:</b>            "The County has the ability to set overall cash and total compensation without violating Measure F. It is able to substantially reduce its cash and total compensation to deputies and sergeants."</p>	<p>- Speculation/Lacks personal knowledge (Evid. Code § 702.)            - Legal conclusion (Evid. Code § 310.)</p>	<p>Sustained:____ Overruled:____</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>12. Paragraph 7:</b>            “Incentive pays are able to be negotiated up or down without violating Measure F.”</p>	<ul style="list-style-type: none"> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<p><b>13. Paragraph 20:</b>            “PERB issued a complaint against the County in part for its retaliatory motivation for repealing Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks personal knowledge (Evid. Code § 702 [no basis for characterizing another’s belief];</li> <li>- Lacks foundation (Evid. Code § 403).</li> <li>- Hearsay (Evid. Code § 1200).</li> <li>- Irrelevant (Evid. Code § 350).</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> </ul>	Sustained:___ Overruled:___
<p><b>14. Paragraph 21:</b>            “The County did not implement the Measure F salary adjustment for Sheriff’s deputies and sergeants which should have been effective February 16, 2022.”</p>	<ul style="list-style-type: none"> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<p><b>15. Exhibit B</b>            (County of Placer’s September 2020 Questions &amp; Answers about Contract Negotiations between the County and the PCDSA)</p>	<ul style="list-style-type: none"> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<p><b>16. Exhibit C</b>            (County of Placer’s October 26, 2020 Position Statement)</p>	<ul style="list-style-type: none"> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<p><b>17. Exhibit D</b>            (County of Placer’s December 8, 2020 Proposal to the PCDSA)</p>	<ul style="list-style-type: none"> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___

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Material Objected To	Grounds for Objection	Ruling
<b>18. Exhibit E</b> (Ordinance 6060-B Amending Placer County Code § 3.12.040 as Adopted on January 12, 2021)	<ul style="list-style-type: none"> <li>- Irrelevant (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<b>19. Exhibit F</b> (MOU between Placer County and the PCDSA for 2015-2018)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.) [No document provided.]</li> </ul>	Sustained:___ Overruled:___
<b>20. Exhibit G</b> (MOU between Placer County and the PCDSA for 2000-2002)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<b>21. Exhibit H</b> (MOU between Placer County and the PCDSA for 2003-2006)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<b>22. Exhibit I</b> (MOU between Placer County and the PCDSA for 2010-2012)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<b>23. Exhibit J</b> (MOU between Placer County and the PCDSA for 2012-2015)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
<b>24. Exhibit L</b> (December 2020 Total Compensation Survey for Deputy Sheriff II – Classic Member)	<ul style="list-style-type: none"> <li>- No authentication (Evid. Code § 1400).</li> <li>- Lacks foundation (Evid. Code § 403).</li> <li>- Hearsay (Evid. Code § 1200).</li> <li>- Irrelevant (Evid. Code § 350).</li> </ul>	Sustained:___ Overruled:___

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Material Objected To	Grounds for Objection	Ruling
<p>25. <b>Exhibit O</b>  (PCDSA’s UPC filed  September 24, 2020)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>26. <b>Exhibit P</b>  (March 23, 2022 Complaint  issued by PERB)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

**OBJECTIONS TO DECLARATION OF LAURIE BETTENCOURT**

Material Objected To	Grounds for Objection	Ruling
<p>27. <b>Paragraph 4:</b>  “In 2002, the County’s  representatives informed the  PCDSA that Measure F  formula set the base salary.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>28. <b>Paragraph 5:</b>  “In 2002, the County agreed  to place ‘Measure R’ on the  ballot asking the voters  whether to repeal Measure  F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Secondary evidence rule  (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p>29. <b>Paragraph 5:</b>            “In 2002, the electorate voted to retain Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p>30. <b>Paragraph 6:</b>            “In 2006, the County agreed to place ‘Measure A’ on the ballot asking the voters whether to repeal Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p>31. <b>Paragraph 6</b>            “In 2006, the electorate voted to retain Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p>32. <b>Paragraph 7:</b>            “During my tenure as PCDSA Secretary, the County represented to the PCDSA that Measure F was valid and enforceable, and the level of base salaries for deputies and sergeants must adhere to the Measure F formula unless Measure F is repealed. The County represented that the parties were unable to negotiate higher salaries.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>33. Paragraph 7:</b>  “The County affirmed and ratified Measure F multiple times through the adoption and modifications of Placer County Code section 3.12.040.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>34. Paragraph 8:</b>  “In 2006, the Board passed Ordinance 5441-B, which amended Section 3.12.040 to add the Assistant Sheriff classification.”</p>	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>35. Paragraph 9:</b>  “In 2007, Ordinance 5478-B re-adopted the Personnel Rules in their entirety, including Section 3.12.040.”</p>	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>36. Paragraph 10</b>  “During my tenure, the County adhered to the Measure F formula in setting the salaries for deputies and sergeants.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>37. Paragraph 11:</b>  “All County deputies and sergeants must have a basic P.O.S.T. incentive as a condition of employment.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>



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Material Objected To	Grounds for Objection	Ruling
<p><b>38. Paragraph 12:</b>  “On or about November 10, 2006, the PCDSA submitted a contract proposal to the County that offered incentive pays in addition to base salary including canine pay, career and education incentive, and special teams pay.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>39. Paragraph 13:</b>  “On or about January 28, 2008, the PCDSA submitted a contract proposal to the County that offered incentive pays in addition to base salary including career and education incentive and shift differential.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>40. Paragraph 14:</b>  “On or about February 15, 2008, the County submitted a LBFO to the PCDSA that included in addition to a base salary increase pursuant to Measure F, incentive pays including shift differential and an increase in P.O.S.T. Basic.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>41. Paragraph 15:</b>  “On or about June 28, 2008 the PCDSA submitted a contract proposal to the County that offered ‘salary’ in addition to Measure F in the amount of a .81% to P.O.S.T. Basic Pay in 2008, and ‘the difference between Prop. F and 5% to P.O.S.T. Basic’ for 2009 and 2010, and ‘the difference between Prop. F and 5% to Cafeteria Plan’ for 2011.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>42. Paragraph 16</b>  “On or about July 9, 2008, the County submitted a four (4) year contract proposal to the PCDSA that offered ‘salary’ in addition to Measure F in the amount of a 1% POST Basic Pay in 2008, and ‘effective with Prop. F 2009, the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into POST Basic’, and ‘effective with Prop. F [for years 2010 and 2011], the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into Cafeteria Plan.’ ”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>43. Paragraph 17:</b>  “During my tenure as Secretary, the County had significant discretion to cut total compensation significantly without violating Measure F by negotiating for lower incentive pays.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>44. Paragraph 18:</b>  “On or about August 3, 2009, the County submitted a contract proposal to the PCDSA that offered in addition to the base salary set by Measure F incentive pays including shift differential. The proposal decreased the Wellness Incentive pay from 5% to 2.5%.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>45. Paragraph 19:</b>  “On or about October 7, 2010, the County and the PCDSA produced a tentative Agreement which stipulated that salaries for Deputies and Sergeants are set by Measure F. The Tentative Agreement eliminated the Wellness Incentive pay.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p><b>46. Paragraph 20:</b>  “On September 22, 2009, the County passed Ordinance 5572-B, which cut the wellness incentive from 5% to 2.5% and the County EPMC from 9% to 6.5%.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

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<b>Material Objected To</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
<p>47. <b>Exhibit A</b>  (PCDSA Executive Board and General Meeting Agendas from July 12, 2006; March 28, 2006; January 24, 2006; April 24, 2006; September 21, 2006; and August 24, 2006)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:____  Overruled:____</p>
<p>48. <b>Exhibit B</b>  (Ordinance 5441-B as Adopted on November 20, 2006)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:____  Overruled:____</p>
<p>49. <b>Exhibit C</b>  (Ordinance 5478-B as Adopted on July 24, 2007)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:____  Overruled:____</p>
<p>50. <b>Exhibit D</b>  (PCDSA’s November 10, 2006 Proposal to Placer County)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:____  Overruled:____</p>
<p>51. <b>Exhibit E</b>  (PCDSA’s January 28, 2008 Proposal to Placer County)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:____  Overruled:____</p>
<p>52. <b>Exhibit F</b>  (Placer County’s February 15, 2008 Last, Best, and Final Offer to the PCDSA)</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:____  Overruled:____</p>

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<b>Material Objected To</b>	<b>Grounds for Objection</b>	<b>Ruling</b>
53. <b>Exhibit G</b> (PCDSA's June 26, 2008 Proposal to Placer County)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____
54. <b>Exhibit H</b> (Placer County's July 9, 2008 Proposal to the PCDSA)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____
55. <b>Exhibit I</b> (Placer County's August 3, 2009 Proposal to the PCDSA)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____
56. <b>Exhibit J</b> (October 7, 2010 Tentative Agreement)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____
57. <b>Exhibit K</b> (Ordinance 5572-B as Adopted on September 22, 2009)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> </ul>	Sustained:____ Overruled:____

**OBJECTIONS TO DECLARATION OF DAVID TOPAZ**

Material Objected To	Grounds for Objection	Ruling
<p>58. <b>Paragraph 5:</b>                      “Between the 2000 and 2010 [sic], the County’s negotiators and representatives consistently informed the PCDSA that the County could not agree to provide base salaries that exceed the Measure F calculations unless the voters of Placer County voted to repeal Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___                      Overruled:___</p>
<p>59. <b>Paragraph 6:</b>                      “The County is able to substantially reduce its cash and overall compensation to deputies and sergeants without violating Measure F.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___                      Overruled:___</p>
<p>60. <b>Paragraph 7:</b>                      “In the late 2000’s, the County imposed reductions in total compensation and cash compensation.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___                      Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>61. Paragraph 9</b>            “On or about July 9, 2008, the County submitted a four (4) year contract proposal to the PCDSA that offered ‘salary’ in addition to Measure F in the amount of a 1% POST Basic Pay in 2008, and ‘effective with Prop. F 2009, the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into POST Basic’, and ‘effective with Prop. F [for years 2010 and 2011], the difference between 5% and Prop. F percentage at Deputy Sheriff II, step 5, into Cafeteria Plan.’ ”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p><b>62. Paragraph 11:</b>            “In 2009, the County proposed to eliminate a 5 percent wellness pay incentive for Deputies and Sergeants while proposing an increase in employee pension contributions by approximately 5 percent.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p><b>63. Paragraph 15:</b>            “During my time participating in negotiations with the County it was never the position of the County’s bargaining team or representatives that Measure F was invalid.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/No personal knowledge (Evid. Code § 702) [no basis for characterizing another’s beliefs]</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___            Overruled:___</p>
<p><b>64. Paragraph 16:</b>            “The County never tried to bargain away Measure F.”</p>	<ul style="list-style-type: none"> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:___            Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
<p><b>65. Paragraph 17:</b>            “Instead, the County made attempts to effectively bargain around Measure F by reducing or increasing other special pays or incentives that had an effect on total compensation and deputy salary.”</p>	<ul style="list-style-type: none"> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	Sustained:____ Overruled:____
<p><b>66. Paragraph 18:</b>            “During my negotiations with the County, I participated in two separate bargaining cycles with Richard Whitmore acting as the County’s lead negotiator. I also participated in one bargaining cycle with Donna Williamson acting as the County’s lead negotiator. During this cycle [<i>sic</i>], there was no concern about Measure F or its legality.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____
<p><b>67. Paragraph 19:</b>            “Mr. Whitmore repeatedly confirmed to the PCDSA that Measure F was binding and mandatory. He further explained that because Measure F is mandatory, the County needed to cut incentives in order to save money.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:____ Overruled:____



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Material Objected To	Grounds for Objection	Ruling
<p>68. <b>Paragraph 20:</b>  “The County’s position during these bargaining cycles was that it needed to make cuts to other areas of compensation because the Measure F base salary was absolutely required.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>69. <b>Paragraph 20:</b>  “In fact, during the 2008 recession, the County wanted to cut salaries.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Speculation/Lacks personal knowledge (Evid. Code § 702.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>70. <b>Paragraph 20:</b>  “[The County] never proposed a cut that went below Measure F. It only offered proposals that made cuts to various incentive pays.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>71. <b>Paragraph 21:</b>  “Negotiators for the County consistently represented that Measure F was a floor and a ceiling and that they would have to negotiate other forms of compensation if they wanted to increase or decrease salaries.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Secondary evidence rule (Evid. Code §§ 1521, 1523.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>72. <b>Paragraph 22:</b>  “At no time during any of these various negotiations and meetings did anyone from the County assert that Measure F was illegal in any way.”</p>	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>
<p>73. <b>Exhibit A</b>  (Ordinance 5572-B as Adopted on September 22, 2009)</p>	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	<p>Sustained:___  Overruled:___</p>

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Material Objected To	Grounds for Objection	Ruling
74. <b>Exhibit B</b> (Placer County’s July 9, 2008 Counterproposal to the PCDSA)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
75. <b>Exhibit C</b> (Placer County’s August 3, 2009 Counterproposal to the PCDSA)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
76. <b>Exhibit D</b> (Resolution No. 2009-246 as Adopted on September 8, 2009)	<ul style="list-style-type: none"> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___
77. <b>Exhibit E</b> (October 7, 2010 Tentative Agreement between Placer County and the PCDSA)	<ul style="list-style-type: none"> <li>- Lacks foundation (Evid. Code § 403.)</li> <li>- Hearsay (Evid. Code § 1200.)</li> <li>- Relevance (Evid. Code § 350.)</li> <li>- Legal conclusion (Evid. Code § 310.)</li> </ul>	Sustained:___ Overruled:___

Dated: January 20, 2023

LIEBERT CASSIDY WHITMORE

By:     /s/ Michael D. Youril      
 Michael D. Youril  
 Lars T. Reed  
 Attorneys for Respondent COUNTY OF  
 PLACER

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is: **401 West A Street, Suite 1675, San Diego, California 92101.**

On **January 20, 2023**, I served the foregoing document(s) described as **RESPONDENT COUNTY OF PLACER’S OBJECTIONS TO PETITIONER’S EVIDENCE IN OPPOSITION TO RESPONDENT’S MOTION FOR SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, SUMMARY ADJUDICATION** in the manner checked below on all interested parties in this action addressed as follows:

Mr. David Mastagni  
Mastagni Holstedt  
1912 I Street  
Sacramento, CA 95811  
email: Davidm@mastagni.com  
Tdavies-mahaffey@mastagni.com  
Rramirez@mastagni.com

- (BY ELECTRONIC SERVICE)** By electronically mailing a true and correct copy through Liebert Cassidy Whitmore’s electronic mail system from cmcardle@lcwlegal.com to the email address(es) set forth above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on **January 20, 2023**, at San Diego, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

*Cara E. McArdle*

\_\_\_\_\_  
Cara E. McArdle