

1 MARK S. RENNER - 121008
WYLIE, McBRIDE, PLATTEN & RENNER
2 2125 Canoas Garden Avenue, Suite 120
San Jose, California 95125
3 Telephone: (408) 979-2920
Facsimile: (408) 979-2934

4 Attorneys for Respondent
5 Kathleen King

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8 BOARD OF ADMINISTRATION
9 CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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11 In the Matter of the Appeal Regarding
Membership Exclusion of Foundation
12 Employees by:

CASE NO. 2014-1087

OAH NO. 2015030359

13 SANTA CLARA COUNTY HEALTH
AUTHORITY,

**DECLARATION OF MARK RENNER IN
SUPPORT OF *CONDITIONAL* MOTION
FOR LEAVE TO SUPPLEMENT THE
ADMINISTRATIVE RECORD**

14 Respondent,

15 and

16 KATHLEEN KING,

Hearing Date: April 20, 2016

17 Respondent.
18 _____ /

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20 I, Mark Renner, hereby declare:

21 I am counsel for Respondent Kathleen King in the above-entitled matter.

22 At 3:48 p.m. on April 13, 2016, I received an e-mail from counsel for CalPERS which
23 attached a "Motion for Additional Evidence". Prior to that date and time, there was no indication
24 from CalPERS that such a motion might be submitted to the Board.

25 After reviewing CalPERS' motion, I was able to locate a copy of an Order, attached hereto as
26 Exhibit 1. Although I cannot recall specifically, I believe that this document was provided by our
27 client to this law firm. It bears the same case number as the Petition submitted by CalPERS' counsel
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1 to the Board and indicates on it that it was filed on May 17, 2013. I thus have reason to believe that
2 this is an accurate copy of an Order duly entered by the Santa Clara County Superior Court.

3 I declare under penalty of perjury that the foregoing is true and correct and that this
4 declaration was executed on this 15th day of April, 2016, in San Jose, California.

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MARK S. RENNER

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FILED
MAY 17 2013
DAVID H. YERBAZKI
Superior Court of California
J. Pauro

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

SANTA CLARA FAMILY HEALTH
FOUNDATION, INC.,
Petitioner/Plaintiff,

VS.

SANTA CLARA COUNTY HEALTH
AUTHORITY dba SANTA CLARA FAMILY
HEALTH PLAN,
Respondent/Defendant.

METRO PUBLISHING, INC dba METRO
NEWSPAPERS
Real Parties In Interest

CASE NO.: 1-13-CV-246316

ORDER RE: APPLICATION FOR
ALTERNATIVE WRIT OF MANDATE
ISSUING IMMEDIATE STAY AND
TEMPORARY RESTRAINING ORDER

Petitioner/Plaintiff Santa Clara Family Health Foundation, Inc.'s ("Petitioner") application for alternative writ of mandate issuing immediate stay and temporary restraining order (the "Application") came before the court on an *ex parte* basis on May 16, 2013. The court, having considered Petitioner's written submissions and the oral argument of counsel for Petitioner, Respondent/Defendant Santa Clara County Health Authority dba Santa Clara Family Health Plan ("Respondent"), and Real Party in Interest Metro Publishing, Inc., dba Metro Newspapers, rules as follows:

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The Application is denied. Petitioner has failed to establish that the subject records in the possession of Respondent are not public records within the meaning of the Public Records Act. Moreover, Petitioner has otherwise failed to substantiate its claim that it will be irreparably harmed unless the Application is granted.

DATED: 5-17-13

Carol Overton

CAROL OVERTON
JUDGE OF THE SUPERIOR COURT