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11 Attorneys for Petitioner,
12 COUNTY OF RIVERSIDE

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

FEB 25 2014

J. BRANNON

(CAL. GOVT. CODE § 6103
FILING FEE EXEMPT)

MRG
FEB 26 2014
R

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF RIVERSIDE, RIVERSIDE HISTORICAL COURTHOUSE

15 COUNTY OF RIVERSIDE, a public agency,

16 Petitioner/Plaintiff,

17 vs.

18 PUBLIC EMPLOYMENT RELATIONS
19 BOARD, a public California State Agency,

20 Respondent,

21 and,

22 SERVICE EMPLOYEES INTERNATIONAL
23 UNION, LOCAL 721,

24 Real Party In Interest/Defendant.

CASE NO: RIC 1305661

ASSIGNED TO JUDGE JOHN W.
VINEYARD FOR CASE MANAGEMENT;
DEPT. 7

NOTICE OF RULINGS

DATE: February 21, 2014
TIME: 10:00 a.m.
DEPT: 7

Petition filed: May 10, 2013

BY FAX

25 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

1 PLEASE TAKE NOTICE THAT:

2 On February 21, 2104, the Motions (1) by the County of Riverside for Award of Attorneys' Fees
3 and Costs Pursuant to Code of Civil Procedure Section 1021.5; and (2) for Award of Attorneys' Fees
4 and Costs Pursuant to Code of Civil Procedure Sections 128.5 and 425.16; and (3) the Motions of
5 Respondent PERB and Real Party in Interest, SEIU, to Tax Costs were heard in Department 7 of the
6 above-entitled Court. Present as counsel were Edward P. Zappia and Laurie DeYoung of THE ZAPPIA
7 LAW FIRM, A Professional Corporation, on behalf of Petitioner County of Riverside ("the County");
8 Najeeb Khoury on behalf of Real Party in Interest, Service Employees International Union, Local 721
9 ("SEIU"); and Wendi Ross and Mary Weiss on behalf of Respondent Public Employment Relations
10 Board ("PERB"). The Honorable John W. Vineyard, Presiding.

11 The Court, having read and considered the Motions, Oppositions, Replies, Requests for Judicial
12 Notice, as well as all other pleadings and documents filed in connection with the Motions, and after
13 hearing of oral arguments of counsel, made the following rulings:

14 1. The County's Request for Judicial Notice is denied;

15 2. The County's Motion for Award of Attorneys' Fees and Costs Pursuant to Code of Civil
16 Procedure Section 1021.5 is DENIED. The Court found the County established that (1) it was the
17 successful party and (2) that the action enforced an important right that benefitted a significant class of
18 people. Although noting that this was a very close issue, the Court found that the necessity for pursuing
19 the lawsuit did not place a burden on the County that was out of proportion to its individual financial
20 stake in the matter. In light of its decision to deny CCP 1021.5 fees, the Court held that the issue of
21 whether Section 1021.5 allows a public entity to recover fees against private party SEIU to be moot;

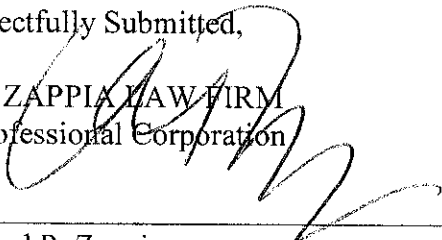
22 3. The County's Motion for Award of Attorneys' Fees and Costs Pursuant to Code of Civil
23 Procedure Sections 128.5 and 425.16 is GRANTED. The Court found that PERB's anti-SLAPP Motion
24 to Strike was frivolous within the meaning of CCP Section 128.5 and stated that any reasonable attorney
25 would agree that such motion is totally devoid of merit. The Court awarded \$15,000 in attorneys' fees
26 and costs to the County, finding that the 60 hours spent opposing the anti-SLAPP Motion and related
27 appearances were reasonable. The Court denied the County's request for a multiplier.

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4. Respondent PERB and Real Party in Interest SEIU's Motions to Tax Costs were GRANTED pursuant to Code of Civil Procedure Section 1032(a)(4), as the Court found there was no prevailing party in this action for purposes of awarding costs, thus no costs were awarded to any party.

5. Counsel for the County was ordered to give notice of the ruling and to prepare the Order.

Dated: February 25, 2014

Respectfully Submitted,

THE ZAPPIA LAW FIRM
A Professional Corporation

By: _____
Edward P. Zappia
Laurie DeYoung

Attorneys for Petitioner,
COUNTY OF RIVERSIDE

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF RIVERSIDE, RIVERSIDE SUPERIOR COURT**

3 **CASE NAME: COUNTY OF RIVERSIDE v. PUBLIC EMPLOYMENT RELATIONS BOARD**

4 **CASE NUMBERS: RIC 1305661**

5 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
6 not a party to the within action. My business address is The Zappia Law Firm, A Professional
7 Corporation, 333 S. Hope Street, Suite 3600, Los Angeles, CA 90071.

8 On **February 25, 2014**, I served the foregoing document(s) described as:

9 **NOTICE OF RULING**

10 on the interested parties in this action, by placing a true copy thereof enclosed in sealed envelopes
11 addressed as stated on the attached mailing list, or addressed as follows:

12 Najeeb Khoury, Esq.
13 Rebecca Yee, Esq.
14 SEIU, Local 721
15 1545 Wilshire Blvd.
16 Los Angeles, CA 90017
17 Email: Najeeb.Khoury@seiu721.org
18 Email: rebecca.yee@seiu721.org

19 *(Attorneys for Real Party in Interest,*
20 *SEIU, LOCAL 721)*

21 Wendi Ross, Esq.
22 California Public Employment Relations
23 Board
24 1031 18th St.
25 Sacramento, CA 95811
26 Email: wross@perb.ca.gov

27 *(Attorneys for Respondent,*
28 *CALIFORNIA PUBLIC EMPLOYMENT*
RELATIONS BOARD)

Mary Weiss, Esq.
California Public Employment Relations
Board
700 N. Central Avenue, Suite 200
Glendale, CA 91203
Email: mweiss@perb.ca.gov

(Attorneys for Respondent,
CALIFORNIA PUBLIC EMPLOYMENT
RELATIONS BOARD)

Suzanne Murphy, Esq.
California Public Employment Relations
Board
1031 18th St
Sacramento, CA 95811
Email: smurphy@perb.ca.gov

(Attorneys for Respondent,
CALIFORNIA PUBLIC EMPLOYMENT
RELATIONS BOARD)

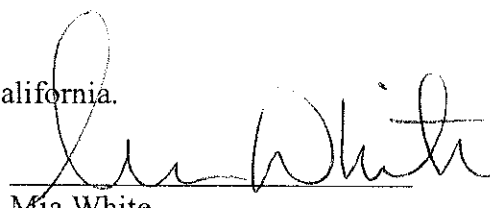
24 **[XX] BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) to be sent
25 from e-mail address mwhite@zappialegal.com to the persons at the e-mail addresses listed in the
26 Service List. I did not receive, within a reasonable time after the transmission, any electronic
message or other indication that the transmission was unsuccessful.

27 **[XX] BY MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and
28 processing correspondence for mailing. Under that practice it would be deposited with U.S.
postal service on that same day with postage thereon fully prepaid at Los Angeles, California in
the ordinary course of business. I am aware that on motion of the party served, service is

presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[XX] **STATE** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **February 25, 2014**, at Los Angeles, California.



Mia White

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