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ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 10 2016

Sherri R. Carter, Executive Officer/Clerk
By: B. Burns Tucker, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ROBERT M. MALLANO, INDIVIDUALLY,
and ON BEHALF OF A CLASS OF
SIMILARLY SITUATED PERSONS,

Plaintiff,

v.

JOHN CHIANG, CONTROLLER OF THE
STATE OF CALIFORNIA, THE JUDGES'
RETIREMENT SYSTEM, ADMINISTERED
BY THE BOARD OF ADMINISTRATION
OF THE PUBLIC EMPLOYEES
RETIREMENT SYSTEM OF THE STATE
OF CALIFORNIA, THE JUDGES'
RETIREMENT SYSTEM II,
ADMINISTERED BY THE BOARD OF
ADMINISTRATION OF THE PUBLIC
EMPLOYEES RETIREMENT SYSTEM OF
THE STATE OF CALIFORNIA, and DOES 1
THROUGH 100, INCLUSIVE,

Defendants.

) LASC Case No: BC 533770

JUDGMENT

1 This matter came to trial on September 30, 2015, before the Honorable Elihu
2 M. Berle, Judge presiding in Department 323 of the Superior Court. Plaintiff
3 appeared by Raoul D. Kennedy of Skadden, Arps, Slate, Meagher & Flom, LLP,
4 and Defendants appeared by Jonathan E. Rich, Deputy Attorney General of the State
5 of California.

6 On December 16, 2015, the Court issued its Statement of Decision pursuant
7 to Code of Civil Procedure, section 632 and California Rules of Court, rule 3.1590.
8 No objections to the Statement of Decision were filed.

9 Having considered all the filings, pleadings, and evidence; and good cause
10 appearing therefor,

11
12 IT IS HEREBY ORDERED, DECREED AND ADJUDGED:
13

14 1. That declaratory judgment be entered in favor of Plaintiff Robert M.
15 Mallano, individually and on behalf of a certified class composed of:

16 All California State justices and judges who were active
17 justices and judges since the commencement of fiscal year
18 2008-2009; all persons who are receiving, or any time since
19 the commencement of fiscal year 2008-2009 have received
20 benefits from the Judges Retirement System ("JRS I"); and all
21 persons who are receiving, or have received benefits from the
22 Judges Retirement System II ("JRS II") based on a final
23 compensation that includes salary paid at any time since the
24 commencement of fiscal year 2008-2009

25 against Defendants, Controller of the State of California¹; the Judges' Retirement
26 System (Administered by the Board of Administration of the Public Employees
27

28 ¹ John Chiang was the elected Controller when this action was commenced. He has since been succeeded in office
by Betty Yee.

1 Retirement System of the State of California); and the Judges' Retirement System II
2 (Administered by the Board of Administration of the Public Employees Retirement
3 System of the State of California).

4 2. a. Based on the statutory formula set forth in Government
5 Code, Section 68203, and the average 0.97% salary increase
6 granted to California state employees during fiscal 2008-2009,
7 a judicial salary increase of 0.97% was mandated for California
8 judicial officers for fiscal 2008-2009.

9 b. Based on the statutory formula set forth in Government
10 Code, Section 68203, and the average 0.10% salary increase
11 granted to California state employees during fiscal 2009-2010,
12 a judicial salary increase of 0.10% above the adjusted judicial
13 salary (as set forth in paragraph 2a.) was mandated for
14 California Judicial Officers for fiscal 2009-2010.

15 c. Based on the statutory formula set forth in Government
16 Code, Section 68203, and the average 0.11% salary increase
17 granted to California state employees during fiscal 2010-2011,
18 a judicial salary increase of 0.11% above the adjusted judicial
19 salary (as set forth in paragraphs 2a. and 2b.) was mandated for
20 California judicial officers for fiscal 2010-2011.

21 d. Based on the statutory formula set forth in Government
22 Code, Section 68203; and the average 0.22% salary increase
23 granted to California state employees during fiscal 2013-2014,
24 a judicial salary increase of 0.22% above the adjusted judicial
25 salary (as set forth in paragraphs 2a., 2b., and 2c.) was
26 mandated for California judicial officers for fiscal 2013-2014.

27 e. Based on the statutory formula set forth in Government
28 Code, Section 68203, and the average 1.83% salary increase

1 granted to California state employees during fiscal 2014-2015,
2 a judicial salary increase of 1.83% above the adjusted judicial
3 salary (as set forth in paragraphs 2a., 2b., 2c., and 2d.) was
4 mandated for California judicial officers, for fiscal 2014-2015.

5 f. Based on the statutory formula set forth in Government
6 Code, Section 68203, and the average 2.4% salary increase
7 granted to California state employees during fiscal 2015-2016,
8 a judicial salary increase of 2.4% above the adjusted judicial
9 salary (as set forth in paragraphs 2a., 2b., 2c., 2d., and 2e.) was
10 mandated for California judicial officers for fiscal 2015-2016.

11 3. In accordance with the mandated judicial salary increases set forth
12 above, class members were entitled to payments and benefits based on the
13 following salaries:

14 a. Judicial Salaries for fiscal year 2008-2009

- 15 i. Chief Justice of the
16 Supreme Court \$ 231,076.00
17 ii. Associate Justice of the
18 Supreme Court \$ 220,354.00
19 iii. Justice, Court of Appeal \$ 206,584.00
20 iv. Judge, Superior Court \$ 180,523.00

21 b. Judicial Salaries for fiscal year 2009-2010

- 22 i. Chief Justice of the
23 Supreme Court \$ 231,307.00
24 ii. Associate Justice of the
25 Supreme Court \$ 220,574.00
26 iii. Justice, Court of Appeal \$ 206,791.00
27 iv. Judge, Superior Court \$ 180,704.00
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- c. Judicial Salaries for fiscal year 2010-2011
 - i. Chief Justice of the Supreme Court \$ 231,561.00
 - ii. Associate Justice of the Supreme Court \$ 220,817.00
 - iii. Justice, Court of Appeal \$ 207,018.00
 - iv. Judge, Superior Court \$ 180,903.00

- d. Judicial Salaries for fiscal year 2011-2012
 - i. Chief Justice of the Supreme Court \$ 231,561.00
 - ii. Associate Justice of the Supreme Court \$ 220,817.00
 - iii. Justice, Court of Appeal \$ 207,018.00
 - iv. Judge, Superior Court \$ 180,903.00

- e. Judicial Salaries for fiscal year 2012-2013
 - i. Chief Justice of the Supreme Court \$ 231,561.00
 - ii. Associate Justice of the Supreme Court \$ 220,817.00
 - iii. Justice, Court of Appeal \$ 207,018.00
 - iv. Judge, Superior Court \$ 180,903.00

- f. Judicial Salaries for fiscal year 2013-2014
 - i. Chief Justice of the Supreme Court \$ 232,070.00
 - ii. Associate Justice of the Supreme Court \$ 221,303.00
 - iii. Justice, Court of Appeal \$ 207,473.00
 - iv. Judge, Superior Court \$ 181,301.00

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- g. Judicial Salaries for fiscal year 2014-2015
 - i. Chief Justice of the Supreme Court \$ 236,317.00
 - ii. Associate Justice of the Supreme Court \$ 225,353.00
 - iii. Justice, Court of Appeal \$ 211,270.00
 - iv. Judge, Superior Court \$ 184,619.00

- h. Judicial Salaries for fiscal year 2015-2016
 - i. Chief Justice of the Supreme Court \$ 241,989.00
 - ii. Associate Justice of the Supreme Court \$ 230,761.00
 - iii. Justice, Court of Appeal \$ 216,340.00
 - iv. Judge, Superior Court \$ 189,050.00

4. Class members who are receiving, or since fiscal year 2008-2009 have received, benefits from JRS I or JRS II are entitled to receive benefits based on the judicial salaries set forth above.

5. Plaintiff class members are entitled to interest, at 10% per annum, on the unpaid salaries and judicial retiree benefits, from the dates on which such sums vested until such increases and benefits are paid.

6. Plaintiffs are entitled to recover their costs of suit and attorney fees.

7. The Court retains jurisdiction to enforce the terms of the judgment entered in this case.

DATED: March 10, 2016

ELIHU M. BERLE

HONORABLE ELIHU M. BERLE
JUDGE OF THE SUPERIOR COURT