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11 COUNTY OF SANTA CLARA

12 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

13 COUNTY OF SANTA CLARA,

14 Plaintiff,

15 v.

16 SERVICES EMPLOYEES INTERNATIONAL
17 UNION LOCAL 521, and DOES 1 through
18 2000,

19 Defendants.

No.

**PLAINTIFF'S COMPLAINT FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

20 1. At all times mentioned herein, Plaintiff COUNTY OF SANTA CLARA, hereinafter
21 referred to as "COUNTY," was and is a political subdivision of the State of California, and is
22 charged by the Constitution and the laws of the State of California with the duty of preserving and
23 protecting the constitutional rights of County registered voters to participate in fair, prompt and
24 reliable elections, and in promoting the public health, safety, and welfare of the residents of the
25 County of Santa Clara.

26 2. Plaintiff is informed and believes, and based thereon, alleges that Defendant
27 SERVICES EMPLOYEES INTERNATIONAL UNION, LOCAL 521 ("SEIU"), was and is an
28 unincorporated association with its offices and principal place of business located in the County of
Santa Clara. At all times mentioned herein, SEIU was and is a recognized employee organization as
defined in the Meyers-Miliias-Brown Act ("MMBA"), codified by California Government Code
§§3500-3511, and is the labor bargaining representative for all classified and unclassified COUNTY

1 employees in coded and uncoded classifications within the following bargaining units: Clerical,
2 Administrative, Professional, and Technical; Blue Collar; Environmental Health Unit; Public Health
3 Nursing; Probation Counselor Safety; Social Services Unit, and Supervisory Unit. At all times
4 mentioned herein, SEIU has represented that it has as one of its primary purposes the representation
5 of such employees regarding employer-employee relations with Plaintiff. SEIU represents more
6 than 11,000 of the 22,000 County employees, including approximately 1750 permanent and extra-
7 help SEIU employees who are working at the County's Registrar of Voters during the current
8 Election.

9 3. The true names and capacities of DOES 1 through 2020 are unknown to Plaintiff at
10 this time, who therefore sues said Defendants under said fictitious names. At such time as the true
11 names and capacities of said fictitious Defendants are ascertained, Plaintiff will amend this
12 Complaint to reflect such true names and capacities. Plaintiff is informed and believes, and based
13 thereon alleges, that each of said fictitious DOE Defendants has engaged in the conduct described
14 herein below and that at all times mentioned herein was an agent of each other Defendant.

15 4. Plaintiff, in the discharge of the powers and duties vested in it, provides various
16 services to the public that directly affect and sustain the public health and safety and to ensure that
17 County residents are able to exercise their constitutional right to vote in national, state and local
18 elections. The type and nature of these services is described in more detail below, and the specific
19 classifications of employees essential to maintaining these services are listed in the Declaration of
20 Shannon Bushey (Registrar for the Registrar of Voters) at ¶¶ 7-8. As set forth in the attached
21 declarations and in more detail below, Plaintiff is informed and believes that Defendants have
22 engaged or will engage in a concerted work stoppage activity involving the essential employees
23 listed in the Declaration of Shannon Bushey at ¶¶ 7-8, which will significantly disrupt and prevent
24 the ability of the Registrar of Voters to hold and conduct the March 3, 2020 Presidential Primary
25 election, and which will pose an imminent and substantial threat to public health and safety. These
26 negative effects to the Registrar of Voters, due to defendants proposed concerted work stoppage
27 activity are listed in the Declaration of Shannon Bushey.

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1 5. Plaintiff in the discharge of the powers and duties vested in it provides many other
2 public services in addition to those already specifically mentioned herein above. Some or all of
3 these may be, or with the passage of time will become, essential public services the disruption of
4 which would create a substantial and imminent danger to the public health or safety. Upon
5 ascertaining such additional essential public services, Plaintiff will seek leave to amend this
6 complaint accordingly as the need arises.

7 6. Defendants and others associated or aligned with Defendants, have made credible
8 statements and threats that the members of Local 521, which is represented by Defendants, will go
9 on strike at 12:01 a.m. on Friday February 28, 2020. Evidence of such statements and threats are
10 contained in the Declaration of Matthew Cottrell and attached Exhibit A, filed herewith and
11 incorporated by reference into this Complaint in its entirety.

12 7. Plaintiff is informed and believes that Defendants have ordered, asked, requested, or
13 otherwise attempted to induce essential employees to engage in a strike, work stoppage, work
14 slowdown, sick out, or other concerted activity in the nature of a strike. Evidence to support this
15 information and belief is contained in the Declaration of Matthew Cottrell and attached Exhibit A.

16 8. These work stoppages by Defendants, and each of them, if allowed to occur and
17 continue, will result in the inability of approximately 1.2 million registered County voters to vote in
18 the March 3, 2020 Presidential Primary election, as set forth in the Declaration of Shannon Bushey,
19 and will result in increasing jeopardy to the public health, safety, and a decreasing ability of Plaintiff
20 to provide such essential public services. These work stoppages and the consequences of such work
21 stoppages herein described cause great and irreparable injury, damages, and expense to Plaintiff and
22 to the public at large and will continue to do so unless such work stoppages are restrained and
23 enjoined forthwith by order of this Court.

24 9. Filed herewith and incorporated herein by reference are the Declarations of Shannon
25 Bushey, Registrar for the Registrar of Voters; Matthew Cottrell, Acting Labor Relations Director;
26 Richard M. Shiohira, Deputy County Counsel; and Greta Hansen, Chief Assistant County Counsel.
27 The Declaration of Shannon Bushey, including attached Exhibits A and B, describe the identity and
28 nature of each essential SEIU position at each of the County's 114 voting centers, for both extra-help

1 and permanent SEIU employees working in the Registrar of Voters and the threat to the
2 disenfranchisement of the County's 1.2 million registered voters and the public health and safety
3 risks that are imminent if the employees occupying such positions participate in work stoppage or
4 other concerted activity.

5 10. Plaintiff has no adequate remedy at law for said injury, damage, and expense and
6 there is no way to rectify the harm done to Plaintiff, the injury and threat to the disenfranchisement
7 of the County's 1.2 million registered voters, and the injury and threat to the public health or safety,
8 unless and until Defendant's collective and individual wrongful conduct is enjoined and restrained
9 by the order of this Court.

10 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as
11 follows:

12 1. For an order requiring Defendants to appear and show cause, if any there may be,
13 why they should not be enjoined as hereinafter set forth during the pendency of this action;

14 2. For a Temporary Restraining Order, Preliminary Injunction, and Permanent
15 Injunction enjoining and restraining the Defendants, and each of them, and their agents,
16 representatives and members, and all persons acting in concert or participation with them from doing
17 or causing to be done, directly or indirectly, any of the following acts or omissions with respect to
18 employees of the County working as permanent or extra-help employees at the Registrar of Voters
19 and identified in the Declaration of Shannon Bushey at ¶¶ 7-8 attached hereto who perform essential
20 public services:

21 a. Striking or engaging in a strike, work stoppage, work slowdown, or sick out,
22 or calling or continuing to effect a strike, work stoppage, work slowdown, or sick out in the positions
23 identified in the Declaration of Shannon Bushey at ¶¶ 7-8; and

24 b. Ordering, asking, requesting, or otherwise inducing or attempting to induce
25 any employee of Plaintiff to engage in a strike, work stoppage, work slowdown, sick out, or other
26 concerted activity in the nature of a strike by employees in the positions identified in Exhibit A to
27 the Declaration of Shannon Bushey; and

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1 c. Intimidating, threatening, molesting, coercing or otherwise hindering or
2 discouraging any employee in the positions identified in Declaration of Shannon Bushey at ¶¶ 7-8
3 from performing his or her duties as an employee of Plaintiff under this Restraining order or other
4 orders of this Court; and

5 d. Hindering, delaying or interfering with in any manner or by any means or
6 device the work of the facilities, buildings and properties of Plaintiff, for the purpose of supporting,
7 promoting or advocating a strike, work stoppage, sick out, or work slowdown of the employees in
8 the positions identified in the Declaration of Shannon Bushey at ¶¶ 7-8; and

9 3. For damages according to proof;

10 4. For attorneys' fees;

11 5. For costs of suit incurred herein;

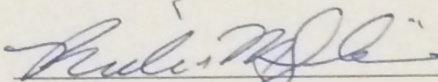
12 6. For such other relief as the Court deems just and proper.

13 Dated: February 26, 2020

Respectfully submitted,

14 JAMES R. WILLIAMS
15 County Counsel

16 By:



17 RICHARD M. SHIOHIRA
18 Deputy County Counsel

19 Attorneys for Plaintiff,
20 COUNTY OF SANTA CLARA

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