

1 **LAW OFFICES OF CRAIG P. ALEXANDER**
2 **Craig P. Alexander (SBN: 132017)**

2 24681 La Plaza, Suite 250
3 Dana Point, California 92629
4 Tel: (949) 481-6400
5 Fax: (949) 242-2545

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7 Attorneys for Real Part In Interest Fleischman Consulting Group,
8 LLC a.k.a. Flashreport

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF ORANGE**

13 **CENTRAL JUSTICE CENTER**

14 ASSOCIATION OF ORANGE COUNTY
15 DEPUTY SHERIFFS,
16
17 Plaintiff/Petitioner,

18 vs.

19 FRANK KIM, Orange County
20 Executive Officer; COUNTY OF
21 ORANGE, State of California;
22 BOARD OF SUPERVISORS, County of
23 Orange; DOES 1 through 10,
24 inclusive,

25 Defendants/Respondents.

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Real Party In Interest

Case No.: 30-2016-00832263-CU-
WM-CJC
Judge: Hon. Craig Griffin
Dept. C17

Date:
Time: 8:30 a.m.
Dept. C17

21 **DECLARATION OF JON FLEISCHMAN**

22 I, JON FLEISCHMAN, DO HEREBY DECLARE:

23
24 Declaration of Jon Fleischman in Opposition to Petitioner's Motion for a
25 Temporary Restraining Order

1 1. I am a resident of the County of Orange and the owner of
2 Fleischman Consulting Group, Inc. a.k.a. the Flashreport, the
3 Real Party In Interest in this matter. I make this
4 declaration in Opposition to the Ex Parte Motion by
5 Petitioner for a Temporary Restraining Order. If called upon
6 I could and would testify to the truth of these matters set
7 forth herein.

8 2. At all times relevant the Flashreport is a blog that I
9 founded and run as a news source for California political
10 matters and general matters of public interest. This
11 includes labor negotiations between government employee
12 unions such as Petitioner and governments such as Respondent
13 County of Orange ("County").

14 3. Attached to this declaration is a true and correct copy of
15 one of the Public Records Act requests my office, at my
16 direction, sent to the County of Orange for information
17 regarding negotiations between the County of Orange and
18 Petitioner. On information and belief the County's current
19 labor agreement with Petitioner will expire in June of 2016.

20 4. I have just learned, via this Petition by Petitioner
21 (Memorandum of Points and Authorities of Petitioner, page 3,
22 line 7) that there are current negotiations between the
23 County and Petitioner under what Petitioner identifies as a

1 "reopener" clause to attempt to obtain from the County a pay
2 raise for Petitioner's members under the *current* contract.
3 In fact, on Friday, January 29, 2016, at 4:00 p.m. (the same
4 day as this Court's Ex Parte hearing) the County has
5 scheduled a special session to discuss what appears to be
6 this very issue. Attached hereto as Exhibit "B" is a true
7 and correct copy of the County's agenda including item CS-1
8 which I obtained from the web site of the County on January
9 28, 2016. Based upon what I learn in the documents the County
10 plans to disclose to me, I may wish to appear and address
11 this matter to my elected representative on the Board of
12 Supervisors at the meeting of January 29, 2016 at 4:00 p.m.

13 5. As a citizen and the owner of Real Party In Interest, I
14 strenuously object to Petitioner's attempt to have this Court
15 issue a Temporary Restraining Order to frustrate my rights to
16 public information regarding the use of my tax dollars. It
17 is my understanding that none of the documents the County is
18 seeking to disclose to the Flashreport are subject to any
19 exemption allowed under the California Public Records Act or
20 case law.

21 6. Given that the County is already taking up this issue today
22 (Friday, January 29, 2016), it is inconceivable that
23 Petitioner can correctly claim that the public has neither
24

1 any interest in this matter or no right to know the offers,
2 counter offers, supposal, formal and informally made and
3 general negotiations by and between County and Petitioner on
4 this "re-opener" and any other labor contracts between them.

5 7. The delay of this information being released to my office
6 will harm my ability to know and understand what is being
7 agreed to with my tax dollars and my ability to comment on
8 this as a citizen and on the Flashreport.

9 I declare under penalty of perjury under the laws of the
10 State of California that the foregoing is true and correct and
11 that this declaration was executed in _____, California.
12

13 Dated: January 28, 2016

By: _____

14 Jon Fleischman
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