

ENDORSED
FILED
San Francisco County Superior Court
OCT 16 2013
CLERK OF THE COURT
BY: GINA GONZALES
Deputy Clerk

1 DENNIS J. HERRERA, State Bar #139669
City Attorney
2 JILL FIGG DAYAL, State Bar #168281
VINCE CHHABRIA, State Bar #208557
3 JERRY THREET, State Bar #205983
Deputy City Attorneys
4 Fox Plaza
1390 Market Street, Fifth Floor
5 San Francisco, California 94102-5408
Telephone: (415) 554-3914
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7 Attorneys for Respondents
CITY AND COUNTY OF SAN FRANCISCO, et al.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11 UNLIMITED JURISDICTION

12 GMG JANITORIAL, INC., a California
corporation,

13 Petitioner,

14 vs.

15 CITY AND COUNTY OF SAN
16 FRANCISCO, a Chartered California City and
County; DEPARTMENT OF
17 ADMINISTRATIVE SERVICES, a
department of the City and County of San
18 Francisco; OFFICE OF LABOR
STANDARDS ENFORCEMENT, an office
19 within the Department of Administrative
Services; OFFICE OF THE CONTROLLER,
20 an office of the City and County of San
Francisco; HEARING OFFICER PETER
21 KEARNS, an individual in his official capacity
as Administrative Law Judge for the City and
22 County of San Francisco; REAL PARTIES IN
INTEREST, and DOES 1 THROUGH 100,
23 INCLUSIVE,

24 Respondents and Real Parties in
Interest.

Case No. CPF-12-512328

JUDGMENT [~~Proposed~~]
~~DENYING WRIT OF MANDATE~~

26 The above-entitled matter came on regularly for hearing on the Motion for Judgment of
27 Respondents CITY AND COUNTY OF SAN FRANCISCO ("CITY"), DEPARTMENT OF
28 ADMINISTRATIVE SERVICES, OFFICE OF LABOR STANDARDS ENFORCEMENT, OFFICE

1 OF THE CONTROLLER, and HEARING OFFICER PETER KEARNS (the "ALJ") (collectively
2 "Respondents" or the "City") on September 16, 2013, at 9:30 a.m., in Department 302 of this Court,
3 the Honorable MARLA J. MILLER, judge presiding. Respondents were represented by DENNIS
4 J. HERRERA, City Attorney, appearing through JERRY THREET, Deputy City Attorney. Petitioner
5 GMG JANITORIAL, INC. was represented by its counsel, B. Douglas Robbins, of WOOD
6 ROBBINS, LLP.

7 The record of the administrative proceedings having been introduced into evidence, evidence
8 of the legislative history of the San Francisco Health Care Security Ordinance ("HCSO") having been
9 judicially noticed by the Court, the Court having considered all of the papers on file in this action, the
10 evidence presented at the hearing, and the written and oral arguments of counsel, and good cause
11 appearing therefor,

12 The Court hereby FINDS that there is substantial evidence in the record to support the
13 challenged findings of the ALJ in this matter.

14 The Court further FINDS that the ALJ and the OLSE acted in accordance with the language
15 and intent of both the HCSO and its implementing regulations in ordering GMG to pay 275 of its
16 employees a total of \$1,339,028.39 in order to correct its failure to make health care expenditures on
17 behalf of those same employees for the period 2008-2010, as the HCSO required.

18 The Court therefore further FINDS that the City has not acted in excess of its jurisdiction in
19 this matter, nor has it failed to proceed in the manner required by law.

20 Consequently, IT IS HEREBY ORDERED that:

- 21 1. The writ of mandate applied for herein is DENIED;
- 22 2. The OLSE Order to GMG to pay 275 of its employees a total of \$1,339,028.39 is
23 upheld;
- 24 3. Respondents shall recover their costs and disbursements in this action in an amount to
25 be determined.

26 Dated: *October 16, 2013*

27 *Marla J. Miller*
By: _____
Judge of the San Francisco Superior Court

28 MARLA J. MILLER

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ORDER
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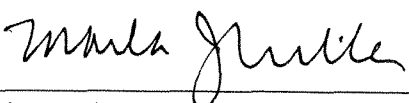
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