

1 JOSEPH W. COTCHETT (SBN 36324)
jcotchett@cpmlegal.com
2 ANNE MARIE MURPHY (SBN 202540)
amurphy@cpmlegal.com
3 **COTCHETT, PITRE & McCARTHY**
San Francisco Airport Office Center
4 840 Malcolm Road, Suite 200
Burlingame, CA 94010
5 Telephone: (650) 697-6000
Facsimile: (650) 692-3606

6 *Attorneys for Petitioners/Plaintiffs*

**ENDORSED
FILED**
San Francisco County Superior Court
NOV 16 2010
CLERK OF THE COURT
BY: CHRISTLE D. ARRIOLA
Deputy Clerk

8 **IN THE SUPERIOR COURT OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

11 **JERRY B. EPSTEIN, individually,**)
and as a taxpayer;)
12 **A. REDMOND DOMS, individually,**)
and as a taxpayer;)
13 **Petitioners/ Plaintiffs,**)
14 **vs.**)
15 **ARNOLD SCHWARZENEGGER,**)
Governor of the State of California,)
16 **sued in his official capacity;**)
17 **RON DIEDRICH, Acting Director of**)
the Department of General Services,)
18 **sued in his official capacity;**)
19 **DEPARTMENT OF GENERAL**)
SERVICES; and DOES 1 through 50,)
20 **inclusive,**)
21 **Respondents/Defendants.**)
22
23

CASE NO. **CCC-10-505436**

**DECLARATION OF
ANNE MARIE MURPHY
IN SUPPORT OF:**

1. **PETITION FOR WRIT OF
MANDATE; AND**
2. **COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF**

COPY

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I, **Anne Marie Murphy**, declare:

1. I am an attorney duly admitted to practice before all courts of the State of California and am an attorney at Cotchett, Pitre & McCarthy, counsel for Petitioner/Plaintiff in this matter and I make this declaration in support of the Petition for Writ of Mandate and Complaint for Injunctive and Declaratory Relief regarding the planned sale of eleven state-owned office building complexes.

2. Attached as Exhibit A hereto are true and correct copies of six letters from the Department of General Services to Lessors, dated June 9, 2006 and June 26, 2006, which letters were counter-signed by the Administrative Office of the Courts (“AOC”), which is the staff office of the Judicial Council.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed in Burlingame California on November 16 2010.


Anne Marie Murphy

Exhibit 1



6/22

DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division – Professional Services Branch

June 9, 2006

ORIGINAL

Agency Name: Judicial Council Court of Appeals
File No. 3534-001

Charles G. Logue & Candy S. Logue
130 E. Carillo Street
Santa Barbara, CA 93101

**Certified Mail/Return
Receipt Requested
7003 1010 0004 5242 2887**

Under lease dated October 21, 1993, as amended June 5, 1997 and October 29, 1998, the State hires from you certain premises located at 200 East Santa Clara Street, in the City of Ventura, County of Ventura, State of California, for a period ending June 30, 2009, at a monthly rental of \$69,143.10.

Effective July 1, 2006, the Administrative Office of the Courts and Judicial Council (hereafter referred to as the "AOC") will replace the Department of General Services (DGS) identified in said lease as the State of California. Due principally to the Separation of Powers doctrine between the Executive and Judicial branches of State government, and also to the recent enactment of SB-1732 in 2003, the DGS has agreed to the AOC's request to assign all current leases from DGS to the AOC. The AOC also has a new administrative branch to service leasehold interests.

Therefore, pursuant to paragraph 17 of the lease the state may assign this lease in its entirety upon written consent of the lessor. The State hereby requests lessors' approval to assign this lease in its entirety to the Administrative Office of the Courts and Judicial Council effective July 1, 2006. Lessor further agrees to release the DGS from any obligations which may be due thereunder by lessee from the effective date herein. Accordingly, paragraph 5 "Notices" of said lease shall be changed to reflect the legal address for future correspondence with the State of California as follows:

Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: (415) 865-8828
Fax: (415) 865-7524

and

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

If the State's assignment of said premise as set forth above is satisfactory to you, please indicate

your agreement by signing this document and the attached copies at the bottom of the page. Keep one copy for your records and return the original and two copies to this Office for our records.

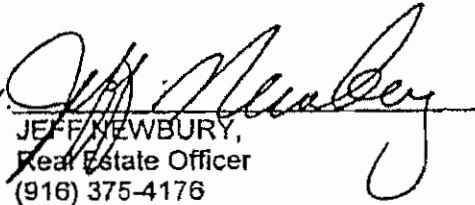
Sincerely,

STATE OF CALIFORNIA

DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

APPROVED:

DIRECTOR OF THE DEPARTMENT
OF GENERAL SERVICES

BY: 
JEFF NEWBURY,
Real Estate Officer
(916) 375-4176

BY: 
GEOFF T. MCLENNAN,
Acting Manager
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

Receipt of the foregoing letter is acknowledged, and the undersigned hereby agrees.

Date: 6-29-06

BY: Charles Logue by his Attorney Fact
Title: Travis C. Logue

If the State's assignment of said premise as set forth above is satisfactory to you, please indicate your agreement by signing this document and the attached copies at the bottom of the page. Keep one copy for your records and return the original and two copies to this Office for our records

ACCEPTED

STATE OF CALIFORNIA
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE
COURTS

BY


CHRISTINE HANSEN,
Chief Financial Officer

Date: 7/31/06

cc: The Becker Group, Inc., P.O.Box 23277 , Ventura, CA 93002
Lupe Espinoza, Office of the State Controller

New Assignee:

Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

New Assignee:

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Geoff T. McLennan, Lease Management Unit, Real Estate Services Division
Chris Duval, SPI Unit, Real Estate Services Division
Asset Planning and Enhancement Branch (APE)



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division – Professional Services Branch

June 9, 2006

ORIGINAL

File No. 2961-001

Agency Name: Judicial Council of California

French Park Place, Ltd.
1933 Port Bishop Place
Newport Beach, CA 92660

**Certified Mail/Return
Receipt Requested
7003 1010 0004 5242 2894**

Under lease dated April 20, 1998, as amended August 11, 1989, the State hires from you certain premises located at 925 North Spurgeon Street, in the City of Santa Ana, County of Orange, State of California, for a period ending November 30, 2008, at a monthly rental of \$98,669.31.

Effective July 1, 2006, the Administrative Office of the Courts and Judicial Council (hereafter referred to as the "AOC") will replace the Department of General Services (DGS) identified in said lease as the State of California. Due principally to the Separation of Powers doctrine between the Executive and Judicial branches of State government, and also to the recent enactment of SB-1732 in 2003, the DGS has agreed to the AOC's request to assign all current leases from DGS to the AOC. The AOC also has a new administrative branch to service leasehold interests.

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Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: (415) 865-8828
Fax: (415) 865-7524

and

Page 1 of 74

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

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Sincerely,

STATE OF CALIFORNIA

APPROVED:

DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

DIRECTOR OF THE DEPARTMENT
OF GENERAL SERVICES

BY: Jeff Newbury
JEFF NEWBURY,
Real Estate Officer
(916) 375-4176

BY: Geoff T. McLennan
GEOFF T. MCLENNAN,
Acting Manager
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

Receipt of the foregoing letter is acknowledged, and the undersigned hereby agrees.

Date: 27 June 2006

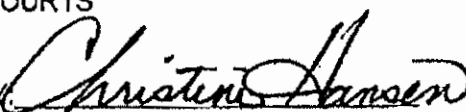
BY: Louise Moore
Title: PARTNER, FRENCH PARK PLACE, LTD.

If the State's assignment of said premise as set forth above is satisfactory to you, please indicate your agreement by signing this document and the attached copies at the bottom of the page. Keep one copy for your records and return the original and two copies to this Office for our records

ACCEPTED

STATE OF CALIFORNIA
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE
COURTS

BY



CHRISTINE HANSEN,
Chief Financial Officer

Date:

7/31/06

cc: Lupe Espinoza, Office of the State Controller
New Assignee:

Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

New Assignee:

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Geoff T. McLennan, Lease Management Unit, Real Estate Services Division
Chris Duval, SPI Unit, Real Estate Services Division
Asset Planning and Enhancement Branch (APE)



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES

Real Estate Services Division – Professional Services Branch

June 9, 2006

File No. 4888-001

Agency Name: Judicial Council of California

CTF4-Civic Center, LLC
c/o Essex Realty Management
3146 Redhill Avenue, Suite 150
Costa Mesa, CA 92626

**Certified Mail/Return
Receipt Requested
7003 1010 0004 5242 2900**

Under lease dated August 22, 2001, the State hires from you certain premises located at 500 West Santa Ana Blvd., Suite 400, in the City of Santa Ana, County of Orange, State of California, for a period ending November 30, 2008, at a monthly rental of \$16,106.26.

Effective July 1, 2006, the Administrative Office of the Courts and Judicial Council (hereafter referred to as the "AOC") will replace the Department of General Services (DGS) identified in said lease as the State of California. Due principally to the Separation of Powers doctrine between the Executive and Judicial branches of State government, and also to the recent enactment of SB-1732 in 2003, the DGS has agreed to the AOC's request to assign all current leases from DGS to the AOC. The AOC also has a new administrative branch to service leasehold interests.

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Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: (415) 865-8828
Fax: (415) 865-7524

and

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

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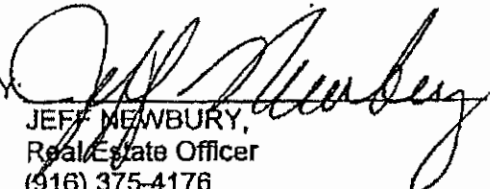
Sincerely,

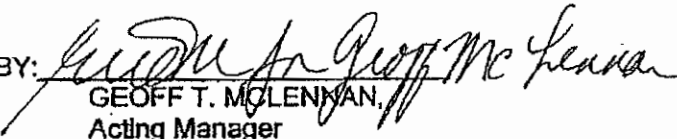
STATE OF CALIFORNIA

APPROVED:

DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

DIRECTOR OF THE DEPARTMENT
OF GENERAL SERVICES

BY: 
JEFF NEWBURY,
Real Estate Officer
(916) 375-4176

BY: 
GEOFF T. MOLENNAN,
Acting Manager
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

Receipt of the foregoing letter is acknowledged, and the undersigned hereby agrees.

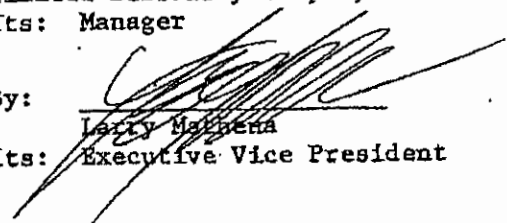
Date: _____

CTF4 - Civic Center LLC, a California limited
BY: _____ liability company

Title: _____

By: CT California Fund IV, LLC, a California
limited liability company
Its: Manager

By: CT Fund Manager IV, LLC, a California
limited liability company
Its: Manager

By: 
Larry Malbena
Its: Executive Vice President

If the State's assignment of said premise as set forth above is satisfactory to you, please indicate your agreement by signing this document and the attached copies at the bottom of the page. Keep one copy for your records and return the original and two copies to this Office for our records.

ACCEPTED

STATE OF CALIFORNIA
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE
COURTS

BY:


CHRISTINE HANSEN,
Chief Financial Officer

Date: _____

cc: Lupe Espinoza, Office of the State Controller
New Assignee:

Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

New Assignee:

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Geoff T. McLennan, Lease Management Unit, Real Estate Services Division
Chris Duval, SPI Unit, Real Estate Services Division
Asset Planning and Enhancement Branch (APE)



State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES
Real Estate Services Division - Professional Services Branch

June 26, 2006

File No: 2647-004

Agency Name: Judicial Council of California

Symphony Tower LLC
750 B Street, Suite 1900
San Diego, CA 92101
ATTN: Shelly Blevins

VIA OVERNIGHT MAIL

Under lease dated March 12, 2001, the State hires from you certain premises located at 750 'B' Street, Suite 380, in the City of San Diego, County of San Diego, State of California, for a period ending May 31, 2010, at a monthly rental of ~~\$2,899.45~~ ^{4,031.55} *emb* *John Crane*

Effective July 1, 2006, the Administrative Office of the Courts and Judicial Council (hereafter referred to as the "AOC") will replace the Department of General Services (DGS) identified in said lease as the State of California. Due principally to the Separation of Powers doctrine between the Executive and Judicial branches of State government, and also to the recent enactment of SB-1732 in 2003, the DGS has agreed to the AOC's request to assign all current leases from DGS to the AOC. The AOC also has a new administrative branch to service leasehold interests.

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Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102
Phone: (415) 865-8828
Fax: (415) 865-7524

and

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California - Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Page 1 of 3

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your agreement by signing this document and the attached copies at the bottom of the page. Keep one copy for your records and return the original and two copies to this Office for our records.

Sincerely,

STATE OF CALIFORNIA

ACCEPTED

DEPARTMENT OF GENERAL SERVICES
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

STATE OF CALIFORNIA
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE
COURTS

BY: *Jeff Newbury*
JEFF NEWBURY,
Real Estate Officer
(916) 375-4176

BY: *Christine Hansen*
CHRISTINE HANSEN,
Chief Financial Officer

APPROVED:

DIRECTOR OF THE DEPARTMENT
OF GENERAL SERVICES

BY: *Geoff T. McLennan*
GEOFF T. MCLENNAN
Acting Manager
REAL ESTATE SERVICES DIVISION
PROFESSIONAL SERVICES BRANCH

Receipt of the foregoing letter is acknowledged, and the undersigned hereby agrees.

SYMPHONY TOWER LLC

by: THE IRVINE COMPANY LLC, a
Delaware limited liability company, Its
Managing Member

Date: September 2, 2006

BY: *Steven M. Case*
STEVEN M. CASE
Senior Vice President, Leasing
Office Properties



BY: *Michael T. Bennett*
MICHAEL T. BENNETT
Vice President, Operations
Office Properties

cc: Lessor: Symphony Tower LLC, One Technology Dr., Bldg. G, San Diego, CA 92618
Lupe Espinoza, Office of the State Controller

New Assignee:

Katherine Albertus
Portfolio Administration Analyst
Office of Court Construction and Management
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

New Assignee:

Melvin Kennedy
Managing Attorney, Real Estate Unit
Office of the General Counsel
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102

Geoff T. McLennan, Lease Management Unit, Real Estate Services Division
Chris Duval, SPI Unit, Real Estate Services Division
Asset Planning and Enhancement Branch (APE)