



# Superior Court of California, County of Sacramento

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**DEPARTMENT 53 FACSIMILE TRANSMITTAL SHEET**

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Date:  
**August 9, 2005**

Send FAX to:  
**ROBERT G. HULTENG**

Company:  
**LITTLER MENDELSON**

Telephone:

Fax Number:  
**(415) 399-8435**

Number of pages including this page: 4

**SUBJECT:**  
**In re: PUBLIC EMPLOYMENT V CNA**  
**No. 05AS03167**

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Court Contact: Terri West  
Department/Unit: 53  
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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO**

**DATE/TIME : AUGUST 9, 2005**  
**JUDGE : LOREN E. MCMASTER**  
**REPORTER :**

**DEPT. NO : 53**  
**CLERK : T. WEST**  
**BAILIFF :**

**PRESENT:**

**PUBLIC EMPLOYMENT RELATIONS BOARD,  
Plaintiff,**

**VS. Case No.: 05AS03167**

**CALIFORNIA NURSES ASSOCIATION,  
Defendant.**

**Nature of Proceedings: MINUTE ORDER**

By an order filed July 20, 2005, this court granted plaintiff's application for a temporary order restraining defendant from calling, engaging in, continuing, sanctioning, or inducing the strike threatened for July 21, 2005, over alleged unfair labor practices. The court also issued an order to show cause re preliminary injunction, requiring defendant to show cause on August 11, 2005, why it should not be enjoined from calling or engaging in any strike prior to exhaustion of all statutory impasse procedures.

Two circumstances have now arisen that warrant the continuance of the hearing on August 11, 2005. First, defendant has raised a new issue in part of its reply brief filed on August 8, 2005: whether the requirements of the Little Norris-LaGuardia Act are applicable to the preliminary injunction sought by plaintiff. Plaintiff and intervenor have not had a proper opportunity to respond to this issue in writing.

Second, defendant has not yet filed a part of its reply brief responding to the substance of the factual and legal allegations underlying the preliminary injunction sought by plaintiff. This lateness leaves the court without an adequate opportunity to review and consider defendant's reply for its tentative ruling tomorrow and the hearing on August 11, 2005. The court is reluctant to rule in this matter without such review and consideration.

Accordingly, the hearing on plaintiff's request for a preliminary injunction is continued from August 11 until August 25, 2005. Plaintiff and intervenor shall have until 4:30 p.m. on August 16, 2005, to file a response to defendant's partial reply brief regarding the Little Norris-LaGuardia Act and its application to the preliminary injunction sought by plaintiff. Although plaintiff and intervenor need not respond to part two of defendant's reply brief, defendant shall serve part two on plaintiff and intervenor by fax or overnight mail.

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**CASE NO. : 05AS03167**  
**CASE TITLE : PUBLIC EMPLOYMENT V CNA**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SACRAMENTO**

**BY: T. WEST,**  
**Deputy Clerk**

**CASE NUMBER: 05AS03167****DEPARTMENT: 53****CASE TITLE: PUBLIC EMPLOYMENT V CNA****PROCEEDINGS: MINUTE ORDER**

Pending the hearing on August 25, 2005, the temporary restraining order issued July 20, 2005, shall remain in effect. Although this extension of the temporary restraining order may be problematic for defendant, it is necessary in light of defendant's lateness in filing a critical part of its reply brief and in raising a new issue in the other part of the reply brief. Further, if defendant's opposition to the preliminary injunction sought by plaintiff is found to be legally correct by the court after its full consideration of the issues, defendant will experience no undue harm as a result of the extension of the temporary restraining order and will be able to proceed with its plan for a one-day strike.

Certificate of Service by Mailing attached.

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**BY: T. WEST,**  
\_\_\_\_\_  
**Deputy Clerk**

**CASE NUMBER: 05AS03167**  
**CASE TITLE: PUBLIC EMPLOYMENT V CNA**  
**PROCEEDINGS: MINUTE ORDER**

**DEPARTMENT: 53**

**CERTIFICATE OF SERVICE BY MAILING**  
**C.C.P. Sec. 1013a(4)**

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the above entitled notice in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at Sacramento, California.

TAMMY SAMSEL, REGIONAL ATTORNEY  
PUBLIC EMPLOYMENT RELATIONS BOARD  
18<sup>TH</sup> STREET  
SACRAMENTO, CA 95814-4174

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Dated: AUGUST 10, 2005

Superior Court of California,  
County of Sacramento

By: T. WEST,  
Deputy Clerk

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