

LAW OFFICE OF MICHAEL A. CONGER

Post Office Box 9374
16236 San Dieguito Road, Suite 4-14
Rancho Santa Fe, CA 92067
(858) 759-0200
(858) 759-1906 (fax)
web site: www.lawconger.com
email: congermike@aol.com

Michael A. Conger

Civil Litigation
Employment Law
Business Law
Governmental Law

October 18, 2016

Supreme Court of California
350 McAllister Street
San Francisco, CA 92102-4797

**Re: Letter Requesting Depublication of *Marin Assn. of Public Employees v. Marin County Employees' Retirement Assn.*,
Case No. A139610
Supreme Court Case No. S237460**

Dear Chief Justice and Associate Justices of the Supreme Court:

For the same reasons as set forth in its letter requesting that the Supreme Court grant the petition for review filed by the Marin Association of Public Employees, et al., the San Diego Police Officer's Association alternatively encourages the Court to depublish *Marin Association of Public Employees v. Marin County Employees' Retirement Association* (2016) 2 Cal.App.5th 674.

The decision of the Court of Appeal conflicts with long-established precedent of this Court. The SDPOA respectfully urges the Court to depublish that opinion.

Very truly yours,



Michael A. Conger

Chief Justice and Associate Justices of the Supreme Court
Supreme Court of California
October 18, 2016
Page 2

MAC/pbm

cc: Client
Service List

PROOF OF SERVICE

**Marin Association of Public Employees, et al. v. Marin County
Employees' Retirement Association, et al.**

Supreme Court Case No. S237460

(Court of Appeal Case Number: A139610)

I declare as follows:

I, the undersigned declare under penalty of perjury that I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 16236 San Dieguito Road, Suite 4-14, P.O. Box 9374, Rancho Santa Fe, California 92067. My electronic notification address is messerpatti@aol.com.

On October 18, 2016, I served the foregoing document described as:

1. LETTER REQUESTING DEPUBLICATION;

on the following interested parties:

**Peter W. Saltzman Esquire
Arthur W. Liou, Esquire
Leonard Carder LLP
1330 Broadway, Suite 1450
Oakland, CA 94612
Telephone: (510) 272-0169
Facsimile: (510) 272-0174
E-Mail: psaltzman@leonardcarder.com
aliou@leonardcarder.com**

**Attorneys for Petitioners and
Appellants Marin Association
of Public Employees, et al**

**Anne I. Yen, Esquire
Kerianne R. Steele, Esquire
Weinbert, Roger & Rosenfeld
1001 Marina Village Parkway, #200
Alameda, CA 94501
Telephone: (510) 337-1001
Facsimile: (510) 337-1023
E-Mail: ayen@unioncounsel.net
ksteele@unioncounsel.net**

**Attorneys for Petitioners and
Appellants Marin Association
of Public Employees, et al.**

Gregg McLean Adam, Esquire
Messing Adam & Jasmine LLP
235 Montgomery Street, Suite 828
San Francisco, CA 94104
Telephone: (415) 266-1800
Facsimile: (415) 266-1128
E-Mail: gregg@majlabor.com

**Attorneys for Petitioners and
Appellants Marin Association
of Public Employees, et al.**

Ashley Kathleen Dunning, Esquire
Nossaman LLP
50 California Street, 34th Floor
San Francisco, CA 94111
Telephone: (415) 398-3600

**Attorneys for Defendant and
Respondent Marin County
Employees' Retirement
Association**

Anthony Paul O'Brien, Esquire
Office of the Attorney General
1300 "I" Street, Suite 125
Sacramento, CA 95814
Telephone: (916) 323-6879

**Attorneys for Intervener and
Respondent The State of
California**

Clerk
Marin County Superior Court
3501 Civic Center Drive
San Rafael, CA 94903
Telephone: (415) 444-7000

- (X) BY MAIL** - I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the document(s) shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure § 1013a.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 18, 2016, at Rancho Santa Fe, California.


Patricia B. Messer