

1 MERVYN GREENE
2 520 South Van Ness Avenue, #288
3 San Francisco, CA 94110
4 (415) 552-3631
5 Defendant In Pro. Per.
6

FILED
San Francisco County Superior Court

JUN 26 2007

GORDON PAHK-LI Clerk
BY [Signature] Deputy Clerk

7 SUPERIOR COURT -- LIMITED JURISDICTION
8 OF THE STATE OF CALIFORNIA
9 CITY AND COUNTY OF SAN FRANCISCO

10 TENDERLOIN HOUSING CLINIC,
11 INC.,
12 Plaintiff

No. 622130

ORDER OF THE COURT FOR STAY OF
EXECUTION

13 v.

(Sheriff's No:2007343165)

14 MERVYN GREENE,
15 et al.,
Defendants

16 TO THE SHERIFF OF SAN FRANCISCO COUNTY AND TO PLAINTIFF:

17 Upon reading the application of Defendant MERVYN GREENE, and
18 good cause appearing therefore:


19 The Sheriff's Office is hereby ordered to stay execution on the
20 above-entitled action until 5:00 p.m. on July 3, 2007, for possession
21 of premises at 520 South Van Ness Avenue, #288, San Francisco, CA
22 94110, on condition that Judgment Debtor shall have deposited with
23 the Clerk of the Superior Court (Limited Jurisdiction), the sum of
24 \$111.30, Receipt No. _____ (\$15.90 per day for 7 days).
25 Said deposit shall be indicated by entry of receipt number on this
26 order, the application of the official Seal and file stamp. It is
27 further ordered that the Clerk of the Superior Court (Limited
28

Order

1 Jurisdiction) shall remit to the Judgment Creditor said sums
2 forthwith.

3

4 Dated: June 26, 2007


JUDGE OF THE SUPERIOR COURT,
LIMITED JURISDICTION, OF THE
STATE OF CALIFORNIA

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(If the order is issued, please sign 2 copies of the order).

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8 SHORT TITLE: TENDERLOIN HOUSING CLINIC, INC. v. GREENE, et al.
CASE NO.: 622130

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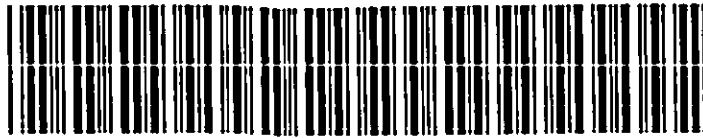
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San Francisco Superior Courts
Information Technology Group

Document Scanning Lead Sheet

Jun-26-2007 2:36 pm

Case Number: CGC-07-461686

Filing Date: Jun-26-2007 2:35

Juke Box: 001 Image: 01808192

ANSWER

RICARDO PAEZ VS. SEIU LOCAL 790 et al

001C01808192

Instructions:

Please place this sheet on top of the document to be scanned.

1 VINCENT A. HARRINGTON, JR., Bar No. 071119
 ANNE I. YEN, Bar No. 187291
 2 WEINBERG, ROGER & ROSENFELD
 A Professional Corporation
 3 1001 Marina Village Parkway, Suite 200
 Alameda, California 94501-1091
 4 Telephone 510.337.1001
 Fax 510.337.1023

FILED
 San Francisco County Superior Court

JUN 26 2007

GORDON PARK-LI, Clerk
 BY:  Deputy Clerk

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 6 Attorneys for Defendant

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

| | | | | |
|----|-----------------------------------|---|------------------------------|---------------|
| 11 | RICARDO PAEZ, |) | Case No. | CGC-07-461686 |
| 12 | Plaintiff, |) | | |
| 13 | v. |) | DEFENDANT'S ANSWER TO | |
| 14 | SERVICE EMPLOYEES INTERNATIONAL |) | PLAINTIFF'S AMENDED | |
| 15 | UNION, LOCAL 1021, FORMERLY LOCAL |) | COMPLAINT | |
| 16 | 790 |) | | |
| 16 | Defendant. |) | | |

17
 18 GENERAL DENIAL

19 Defendant Service Employees International Union, Local 1021, formerly Local 790 hereby
 20 generally denies each and every, all and singular, the allegations of the Amended Complaint.

21 FIRST AFFIRMATIVE DEFENSE

22 Plaintiff's Amended Complaint fails to state a cause of action.

23 SECOND AFFIRMATIVE DEFENSE

24 The court lacks jurisdiction over the subject matter of Plaintiff's Amended Complaint,
 25 because the Public Employment Relations Board ("PERB") has exclusive authority to investigate
 26 and adjudicate such claims under Gov't Code § 3509.

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THIRD AFFIRMATIVE DEFENSE

Plaintiff's Amended Complaint is barred because PERB has already dismissed the claims alleged by Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of res judicata and/or collateral estoppel.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the applicable statute of limitations.

SIXTH AFFIRMATIVE DEFENSE

The Amended Complaint is preempted in whole or in part by the Meyers-Milias-Brown Act, including, but not limited to, Gov't Code § 3509.

SEVENTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred in whole or in part because of Plaintiff's failure to exhaust available internal Union remedies.

EIGHTH AFFIRMATIVE DEFENSE

The Amended Complaint is barred in whole or in part by the failure to exhaust administrative remedies.

NINTH AFFIRMATIVE DEFENSE

The Plaintiff is guilty of laches.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the defense of unclean hands.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by waiver.

TWELFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the doctrine of estoppel.

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WHEREFORE, Defendant prays for judgment against Plaintiff in Defendant's favor as

follows:

1. That Plaintiff take nothing;
2. That judgment be entered in favor of Defendant;
3. That Defendant be awarded its costs of suit; and
4. For any such other and further relief as the court may deem proper.

Dated: June 26, 2007

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: 
ANNE I. YEN
Attorneys for Plaintiff
Service Employees International Union, Local
1021, formerly Local 790

115748/461365

PROOF OF SERVICE
(C.C.P. § 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On June 26, 2007, I served upon the following parties in this action:

Ricardo Paez
343 Heather Drive
San Pablo, CA 94806

copies of the document(s) described as:

Defendant's Answer to Plaintiff's Amended Complaint

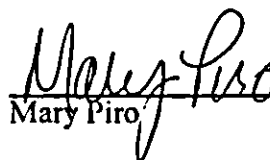
BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

BY PERSONAL SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on June 26, 2007.


Mary Piro