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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. C01-1351 TEH

**DECLARATION OF LINDA BUZZINI IN
SUPPORT OF RECEIVER AND STATE
PERSONNEL BOARD'S JOINT STATUS
REPORT RE PHYSICIAN CLINICAL
COMPETENCY DETERMINATION
POLICIES AND PROCEDURES**

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I, Linda Buzzini, declare as follows:

1. I am an attorney licensed to practice before all the courts of the State of California and before this Court and employed as a staff attorney for Receiver J. Clark Kelso, specializing in employment and labor relations matters. I make this declaration in support of the Receiver's Supplemental Report Re Clinical Competency Determination Policies And Procedures. The facts set forth herein are based on my own personal knowledge and, if called as a witness, I could competently testify thereto.
2. Since the Receiver's Further Report Re Physician Clinical Competency Determination Policies and Procedures (Docket # 1347 filed 8/1/08) I have continued to confer on a regular basis with the State Personnel Board (SPB) regarding its implementation plan. Following this Court's May 23 Order, I prepared a draft of proposed policies and procedures, together with a graphic flow chart to describe the peer review process. I forwarded them to the SPB and UAPD on June 2, 2008 and to the parties on June 3, 2008. Although the Court ordered SPB to "take the lead in preparing an implementation plan" for the new procedures, I also forwarded suggestions for the implementation plan to assist SPB's efforts.
3. Funding and Additional Staff
 - a. On August 11, 2008, SPB's Chief Administrative Law Judge, Paul Ramsey, informed me that SPB would be submitting a Budget Change Proposal to the Department of Finance seeking the addition of 1 new administrative law judge (ALJ), one appeals assistant and one legal secretary for the *six cases* it projects hearing *annually*. This differs from SPB's original projection of needing one new ALJ plus support staff for every 10 hearings conducted annually. I informed Mr. Ramsey that the Receiver could not support additional funding that exceeded a reasonable projection of SPB's actual costs. I also informed Mr. Ramsey that its staff-to-hearing ratio was excessive. We also discussed use of a transparent

1 billing system so that the Receiver would know that SPB was being reimbursed
2 for actual costs.

3 b. On August 14, 2008, SPB's Chief Administrative Law Judge provided me with
4 proposed billing rates. SPB proposes an hourly rate which is based on annualized
5 salaries, benefits, \$17,000 in operating expenses for each of the three positions
6 discussed in Paragraph 3(a) above, plus a 20% overhead charge.

7 c. On August 15, 2008, SPB Executive Officer Suzanne Ambrose informed Receiver
8 Kelso that SPB was submitting a Budget Change Proposal (BCP) for up to one
9 ALJ, one legal secretary, a .6 analyst and \$715,000. She also stated SPB would
10 only bill the Receiver for actual expenses incurred which, according to Ms.
11 Ambrose, means the Receiver may only end up funding a portion of these
12 positions. I believe this means SPB may be submitting a BCP for additional staff
13 justified on the basis of the Court's order which from the outset, SPB understands
14 will exceed its reimbursements given a realistic projection of actual workload and
15 costs.

16 d. On August 18, 2008, I spoke with SPB Executive Officer Suzanne Ambrose and
17 explained the Receiver was willing to reimburse SPB for necessary, reasonable
18 and actual costs.

19 e. I asked SPB's Chief Administrative Law Judge what data the Board used to arrive
20 at the proposed 20% overhead rate. On September 11, 2008, Mr. Ramsey
21 provided me with a copy of a memorandum from SPB's fiscal officer explaining
22 why SPB seeks an overhead fee. On or about September 11, 2008, I informed Mr.
23 Ramsey I had hoped to receive data from SPB that explains how it arrived at a
24 proposed rate of 20%. Mr. Ramsey informed me SPB was unable to provide that
25 information because it did not have any data to rely upon. Mr. Ramsey suggested
26 a negotiated rate of 5-10% instead.

27 4. Indemnifying IMQ

1 signatures for any signatures indicated by a
2 "conformed" signature (/s/) within this efiled
3 document.

4 /s/Martin H. Dodd

5 Martin H. Dodd
6 Attorneys for Receiver J. Clark Kelso
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CERTIFICATE OF SERVICE

The undersigned hereby certifies as follows:

I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17th Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice of Futterman & Dupree, LLP for the collection and processing of correspondence.

On September 19, 2008, I served a copy of the following document(s):

DECLARATION OF LINDA BUZZINI IN SUPPORT OF RECEIVER AND STATE PERSONNEL BOARD'S JOINT STATUS REPORT RE REPORT RE PHYSICIAN CLINICAL COMPETENCY DETERMINATION POLICIES AND PROCEDURES

by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to the ordinary business practice of this office in the manner and/or manners described below to each of the parties herein and addressed as follows:

— BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s) of the addressee(s) designated.

X BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated below. I am readily familiar with Futterman & Dupree's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

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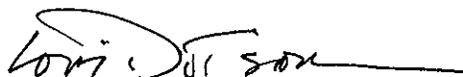
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18
19 I declare that I am employed in the offices of a member of the State Bar of this Court at
20 whose direction the service was made. I declare under penalty of perjury, under the laws of the
united State of America, that the above is true and correct.

21 Executed on September 19, 2008 at San Francisco, California.

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23 _____
Lori Dotson