UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al., *Plaintiffs*, v. ARNOLD SCHWARZENEGGER, et al., *Defendants*.	Case No. C01-1351 TEH **[PROPOSED] ORDER GRANTING MOTION OF RECEIVER J. CLARK KELSO TO ADD STATE CONTROLLER AS PARTY-DEFENDANT AND FOR DISCOVERY IN AID OF ENFORCEMENT OF ORDER APPOINTING RECEIVER**

The motion of Receiver J. Clark Kelso for an Order, pursuant to FRCP 19, 20 and 21, requiring that John Chiang, Controller for the State of California ("Controller") be joined as a party-defendant in this matter and for an Order, pursuant to FRCP 69 and 70, permitting the Receiver to take discovery in aid of enforcement of this Court's Order Appointing Receiver ("OAR"), dated February 14, 2006, came on regularly for hearing before the Court. The Receiver, the parties and the Controller were represented by counsel at the hearing.

The Court has considered the papers submitted in support of and in opposition to the motion and the arguments of counsel. Good cause appearing,

IT IS HEREBY ORDERED that the motion is GRANTED.

The Receiver has established that the Controller is a necessary party-defendant and that joinder is feasible. The Controller is ordered joined as a party-defendant in this action for all purposes and shall be so identified in the case caption. Within 10 days of the date of this Order, the Receiver shall serve the Controller with the OAR and this Court's Order Appointing New Receiver, dated January 23, 2008, and shall file proof of service thereof. The Controller need

not file a responsive pleading and shall be deemed to have joined in all pleadings previously filed by Defendants.

Subject to further orders of the Court, the Receiver may conduct discovery from the Controller and other State officials reasonably necessary to aid in the enforcement of the OAR, including paragraphs IV and VI thereof. The Receiver may utilize any of the discovery methods permitted by the Federal Rules of Civil Procedure.

So ordered.

Dated: _____, 2008

_____
Hon. Thelton E. Henderson
United States District Judge

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

[PROPOSED] ORDER GRANTING MOTION OF RECEIVER J. CLARK KELSO TO ADD STATE CONTROLLER AS PARTY-DEFENDANT AND FOR DISCOVERY IN AID OF ENFORCEMENT OF ORDER APPOINTING RECEIVER

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:

_X_ BY HAND DELIVERY: I caused such envelope to be served by hand to the address designated below.

John Chiang
Richard J. Chivaro
State Controller
300 Capitol Mall, Suite 518
Sacramento, CA 95814

and

_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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I declare that I am employed in the offices of a member of the State Bar of this Court at 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.

Executed on June 19, at San Francisco, California.

Lori Dotson