

21L-011\PEXPA211013.ejg

ELIZABETH J. GIBBONS, SBN 147033  
**THE GIBBONS FIRM, P.C.**  
811 Wilshire Blvd., 17<sup>th</sup> Floor  
Los Angeles, CA 90017

Phone: (323) 591-6000  
Email: egibbons@thegibbonsfirm.com

Attorneys for Petitioner, Association of Deputy District  
Attorneys for Los Angeles County (ADDA)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ASSOCIATION OF DEPUTY DISTRICT  
ATTORNEYS FOR LOS ANGELES  
COUNTY (ADDA),

Petitioner,

v.

GEORGE GASCON, LOS ANGELES  
COUNTY DISTRICT ATTORNEY; LOS  
ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE; COUNTY OF  
LOS ANGELES; DOES 1 through 50,  
inclusive,

Respondents.

Case No. 21STCP03412

**EX PARTE APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW  
CAUSE WHY PRELIMINARY  
INJUNCTION SHOULD NOT  
ISSUE; DECLARATION OF  
ELIZABETH J. GIBBONS RE:  
NOTICE**

**[Cal. Rules of Court Rule 379]**

Date: October 15, 2021  
Time: 8:30 a.m.  
Place: Dept. 86

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

Petitioner, **ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS FOR  
LOS ANGELES COUNTY (ADDA)**, hereby applies for a Temporary Restraining Order  
restraining Respondents, and each of them, as well as their officers, agents, servants,  
representatives, subordinate officers, employees, and all persons acting in concert or  
participating with them, pending the complete litigation of this action as well as of the  
related appeals which are presently pending before the Los Angeles County Civil Service  
Commission, to immediately cease and desist from:

A. Hiring, transferring, or appointing any public defender, or any other

1 person who is unqualified pursuant to Civil Service Rules 6.01, 6.02,  
2 15.02, 15.03, 7.04, 7.06, 11.01, and 25, to hold any position as a  
3 Deputy District Attorney II, III, IV, or V, while this litigation and the  
4 litigation of any and all hearings on appeals granted by the Civil  
5 Service Commission to contest the actions of Respondents Gascon,  
6 DAO, and County in hiring Tiffany Blacknell, Shelan Joseph and  
7 Alisa Blair in violation of the Civil Service Rules and the County  
8 Charter remains pending; and

9 B. Taking any steps to expire, or otherwise invalidate the existing  
10 eligible lists for the positions of DDA III, DDA IV, and/or DDA V  
11 while this litigation and the litigation of any and all hearings on  
12 appeals granted by the Civil Service Commission to contest the  
13 actions of Respondents Gascon, DAO, and County in hiring Tiffany  
14 Blacknell, Shelan Joseph, and Alisa Blair in violation of the Civil  
15 Service Rules and the County Charter remains pending, unless an  
16 examination which complies with Civil Service Rules 5, 6, 7, 11, and  
17 25 is properly offered, scored, and calculated, and a replacement  
18 eligible list of qualified candidates for the position has been certified  
19 and published.

20 Petitioner ADDA likewise seeks an Order to Show Cause, commanding  
21 Respondents, and each of them, to show cause, on a date and time to be set by the Court,  
22 why a Preliminary Injunction should not be entered, pending the complete litigation of  
23 this action as well as of the related appeals which are presently pending before the Los  
24 Angeles County Civil Service Commission, ordering Respondents, and each of them, as  
25 well as their officers, agents, servants, representatives, subordinate officers, employees,  
26 and all persons acting in concert or participating with them, to immediately cease and  
27 desist from:

28 A. Hiring, transferring, or appointing any public defender, or any other

1 person who is unqualified pursuant to Civil Service Rules 6.01, 6.02,  
2 15.02, 15.03, 7.04, 7.06, 11.01, and 25, to hold any position as a  
3 Deputy District Attorney II, III, IV, or V, while this litigation and the  
4 litigation of any and all hearings on appeals granted by the Civil  
5 Service Commission to contest the actions of Respondents Gascon,  
6 DAO, and County in hiring Tiffany Blacknell, Shelan Joseph, and  
7 Alisa Blair in violation of the Civil Service Rules and the County  
8 Charter remains pending; and

9 B. Taking any steps to expire, or otherwise invalidate the existing  
10 eligible lists for the positions of DDA III, DDA IV, and/or DDA V  
11 while this litigation and the litigation of any and all hearings on  
12 appeals granted by the Civil Service Commission to contest the  
13 actions of Respondents Gascon, DAO, and County in hiring Tiffany  
14 Blacknell, Shelan Joseph, and Alisa Blair in violation of the Civil  
15 Service Rules and the County Charter remains pending, unless an  
16 examination which complies with Civil Service Rules 5, 6, 7, 11, and  
17 25 is properly offered, scored, and calculated, and a replacement  
18 eligible list of qualified candidates for the position has been certified  
19 and published.

20 This Application is made on the ground that the conduct to be enjoined, if  
21 allowed to take place, will cause serious and immediate injury to Petitioner ADDA and its  
22 members before the matter can be heard on notice. This Application is based on the  
23 Complaint for Injunction filed simultaneously herewith, the Memorandum of Points and  
24 Authorities in support thereof, and the Declarations of Cathy L. O'Brien, Eric Siddall,

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1 Sean Carney, and Elizabeth J. Gibbons, together with the Exhibits delineated therein,  
2 which are filed concurrently herewith.

3 Dated: October 14, 2021

Respectfully submitted,

4 THE GIBBONS FIRM, PC

5  
6 By: Elizabeth J. Gibbons  
7 Elizabeth J. Gibbons  
8 Attorneys for Petitioner, Association of  
9 Deputy District Attorneys for Los Angeles  
10 County (ADDA)  
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1                   **DECLARATION OF ELIZABETH J. GIBBONS RE: NOTICE**

2                   I, Elizabeth J. Gibbons, do hereby declare as follows:

3                   1.       I am an attorney duly licensed to practice law before all courts,  
4 federal and state, in the State of California. I am the principal attorney in the law firm of  
5 The Gibbons Firm, P.C., attorney for Petitioner Association of Deputy District Attorneys  
6 for Los Angeles County (“ADDA”), and in such capacity I have represented the  
7 Association and its members at all times herein referenced in connection with this matter.

8                   2.       I have personal knowledge of the facts set forth herein and could and  
9 would competently testify thereto, under oath, if called as a witness.

10                  3.       The name, address and telephone number of counsel, who I have  
11 been informed and believe is representing the Respondents in this matter, are as follows:

12                               James Oldendorph, Esq.  
13                               Leibert, Cassidy, Whitmore  
14                               6033 W. Century Blvd., Suite 500  
                                  Los Angeles, CA 90045  
                                  Phone: (310) 981-2095

15                  4.       Pursuant to Rule 3.1203 of the California Rules of Court, on  
16 October 14, 2021, at 9:06 a.m., I telephoned Mr. Oldendorph at his office to advise him of  
17 our intention to file the instant application for TRO and OSC seeking injunctive relief to  
18 prevent the District Attorney from hiring, transferring, or appointing any unqualified  
19 Deputy Public Defender or Deputy Alternate Public Defender to a position or  
20 classification of DDA III, IV, or V, or expiring the presently certified and viable eligible  
21 lists for promotion to the positions or classifications of DDA III, DDA IV, or DDA V,  
22 pending the resolution of the appeals filed by the ADDA concerning the transfer or  
23 appointment of Alisa Blair, Tiffany Blacknell, and Shelan Joseph, which are presently  
24 pending before the Los Angeles County Civil Service Commission.

25                  5.       At approximately 9:06 a.m. on October 14, 2021, I left a message on  
26 Mr. Oldendorph’s voice mail, notifying him that ADDA would be filing the instant  
27 application for TRO and OSC seeking injunctive relief to to prevent the District Attorney  
28 from hiring, transferring, or appointing any unqualified Deputy Public Defender or

Deputy Alternate Public Defender to a position or classification of DDA III, IV, or V, or expiring the presently certified and viable eligible lists for promotion to the positions or classifications of DDA III, DDA IV, or DDA V, pending the resolution of the appeals filed by the ADDA concerning the transfer or appointment of Alisa Blair, Tiffiny Blacknell, and Shelan Joseph, which are presently pending before the Los Angeles County Civil Service Commission.

6. In my voice mail message for Mr. Oldendorph, I also notified him that the ADDA's application for a TRO and OSC would be made on Thursday, October 15, 2021 at 8:30 a.m. in Department 86 of the Los Angeles County Superior Court at the courthouse located at 111 N. Hill Street, Los Angeles, California.

7. At 9:34 a.m. on October 14, 2021, I emailed Mr. Oldendorf confirming the information I left in my message on his voice mail. A copy of my mail to Mr. Oldendorph is attached hereto as Exhibit “A”.

8. In my letter to Mr. Oldendorph, I requested that he let me know if he intended to appear to oppose the relief sought.

I declare under penalty of perjury that the foregoing is true and correct.

This Declaration was executed this 14th day of October, 2021 at Los Angeles, California.

Elizabeth J. Gibbons  
ELIZABETH J. GIBBONS

Exhibit “A”



Elizabeth Gibbons <egibbons@thegibbonsfirm.com>

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## NOTICE OF EX PARTE APPLICATION FOR TRO and OSC

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**Elizabeth Gibbons** <egibbons@thegibbonsfirm.com>  
To: "Oldendorph, James" <joldendorph@lcwlegal.com>

Thu, Oct 14, 2021 at 9:34 AM

Dear Mr. Oldendorph:

This will serve to confirm the voice mail message I left on your direct-dial office voice mail at (310) 981-2095 today, October 14, 2021, at approximately 9:06 a.m.

In my voice mail message, I provided you notice, as required by Rule 3.1204(a) of the California Rules of Court, that the ADDA intends to file an Ex Parte Application for a TRO and OSC, enjoining your clients, George Gascon, the Los Angeles County District Attorney's Office and the County of Los Angeles, from hiring, transferring, or appointing any unqualified Deputy Public Defender or Deputy Alternate Public Defender to a position or classification of DDA III, IV, or V, pending the resolution of the appeals filed by the ADDA concerning the transfer or appointment of Alisa Blair, Tiffany Blacknell, and Shelan Joseph, which are presently pending before the Los Angeles County Civil Service Commission. In addition to the relief I mentioned in the voice mail message, we will also seek temporary injunctive relief preventing your clients from expiring the presently certified and viable eligible lists for promotion to the positions or classifications of DDA III, DDA IV, or DDA V.

I further advised you that the ex parte application will be heard at 8:30 a.m. on Friday, October 15, 2021, in Department 86, of the Los Angeles County Superior Court, located at 111 North Hill Street, Los Angeles, California 90012, before the Honorable Mitchell Beckloff.

In my voice mail message I also requested that you contact me to let me know if you will be appearing to oppose the application and if you are not representing any of the named respondents, specifically George Gascon, the District Attorney's Office, and the County of Los Angeles.

Thank you for your prompt attention to this matter.

Yours truly,

Elizabeth J. Gibbons

**THE GIBBONS FIRM, P.C.**

811 Wilshire Boulevard, 17th Floor

Los Angeles, CA 90017

P: (323) 591-6000

**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF LOS ANGELES    )

I am a citizen of the United States; I am over the age of eighteen years and not a party to the within action; my business address is 811 Wilshire Boulevard, 17th Floor, Los Angeles, California 90017.

On the date written below, I served the within:  
**EX PARTE APPLICATION FOR TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW CAUSE WHY PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE; DECLARATION OF  
ELIZABETH J. GIBBONS RE: NOTICE**  
*Association of Deputy District Attorneys for Los Angeles County (ADDA) v.  
George Gascon, Los Angeles County District Attorney, et al.*  
LASC Case No. 21STCP03412

on the interested parties in said action as follows:

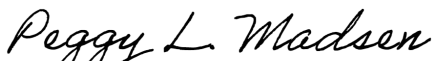
James Oldendorph  
Liebert Cassidy Whitmore  
6033 West Century Boulevard, 5<sup>th</sup> Floor  
Los Angeles, CA 90045  
joldendorph@lcwlegal.com

**[ X ] BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepared at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**[ X ] BY ELECTRONIC MAIL (E-MAIL):** I transmitted the document(s) via electronic mail using web mail through the electronic mail server gmail.com and no error was reported by the mail administrator. Pursuant to California Rules of Court, Rule 2006(d), I printed the confirmation of the e-mail transmission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 14, 2021 at Los Angeles, California.

  
\_\_\_\_\_  
Peggy Madsen

**Conformed Copy Verified Petition for Writ**

21L-011\PPWrit211011.ejg

ELIZABETH J. GIBBONS, SBN 147033  
**THE GIBBONS FIRM, P.C.**  
811 Wilshire Blvd., 17<sup>th</sup> Floor  
Los Angeles, CA 90017

Phone: (323) 591-6000  
Email: egibbons@thegibbonsfirm.com

Attorneys for Petitioner, Association of Deputy District  
Attorneys for Los Angeles County (ADDA)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ASSOCIATION OF DEPUTY DISTRICT  
ATTORNEYS FOR LOS ANGELES  
COUNTY (ADDA),

Petitioner,

v.

GEORGE GASCON, LOS ANGELES  
COUNTY DISTRICT ATTORNEY; LOS  
ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE; COUNTY OF  
LOS ANGELES; DOES 1 through 50,  
inclusive,

Respondents.

Case No. **21STCF03412**

**VERIFIED PETITION FOR WRIT OF  
MANDATE; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF;**

**COMPLAINT FOR TEMPORARY  
RESTRAINING ORDER,  
PRELIMINARY INJUNCTION AND  
PERMANENT INJUNCTION;**

**VERIFICATION OF PETITION FOR  
WRIT OF MANDATE**

**[Code of Civil Procedure § § 525; 1085]**

Petitioner, **ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS FOR LOS  
ANGELES COUNTY** (hereinafter referred to as "ADDA"), hereby petitions this Court for a  
Writ of Mandate, pursuant to California *Code of Civil Procedure* section 1085 directed to  
Respondents **GEORGE GASCON, LOS ANGELES COUNTY DISTRICT ATTORNEY**  
(hereinafter referred to as "Gascon"); **LOS ANGELES COUNTY DISTRICT ATTORNEY'S  
OFFICE** (hereinafter referred to as "DAO"); and **COUNTY OF LOS ANGELES** (hereinafter  
referred to as "County"), requiring said Respondents to comply with the Civil Service Rules in  
connection with the hiring and promotion of Deputy District Attorneys (hereinafter referred to as

1 “DDAs”) and preventing these Respondents from hiring, appointing, or transferring any Deputy  
2 Public Defenders (hereinafter referred to as “DPDs”), or any other persons, who are unqualified  
3 under the Civil Service Rules, to hold positions as and perform the duties of DDAs.

4 Petitioner ADDA likewise seeks a Temporary Restraining Order, Preliminary and  
5 Permanent Injunctions preventing Respondents Gascon, DAO and County from hiring,  
6 transferring, or appointing currently employed DPDs, or any other person who is not qualified,  
7 pursuant to the Civil Service Rules, for positions currently held by DDAs in violation of the  
8 Civil Service Rules, in order to maintain the status quo during the pendency of this litigation.

9 Petitioner alleges, upon information and belief, as follows:

#### 10 **INTRODUCTION**

11 1. On unknown dates in early 2021, Respondent Gascon hired three career members  
12 of the Los Angeles County Public Defenders’ Office: Alisa Blair, Tiffany Blacknell and Shelan  
13 Joseph, as Grade III and Grade IV Deputy District Attorneys.

14 2. In hiring Blair, Blacknell and Joseph, Gascon violated numerous Civil Service  
15 Rules which implement the County Charter’s mandate of merit system of employment, designed  
16 to create a productive, efficient, stable, and representative County workforce that is free of  
17 political patronage, influence or reward.

18 3. Petitioner, the Association for Deputy District Attorneys of Los Angeles County,  
19 the duly elected bargaining representative for non-supervisory DDAs, has filed approximately 11  
20 appeals with the Los Angeles County Civil Service Commission (hereinafter referred to as  
21 “Commission”), on behalf of its members who were on valid promotion eligibility lists and who  
22 were passed over for promotions for which they were qualified, by Gascon’s unlawful  
23 appointment of the unqualified Blair, Blacknell and Joseph to those positions.

24 4. Although the first two appeals were filed by the ADDA on the same day in March  
25 2021, the Commission considered one of the appeals on July 21, 2021, and due to a continuance  
26 requested by the DAO thereafter, the other will not be heard until October 27, 2021. The  
27 remaining appeals were filed in August and September 2021, in response to Grade IV  
28 promotions made by Gascon from the existing eligible list on or about August 18, 2021.

5. Since July 21, 2021, when the Civil Service Commission granted ADDA's first hearing on the appeal concerning Grade III DDAs who were passed over for a Grade IV position by the unlawful appointment of Blacknell and Joseph, no steps have yet been taken by the Commission to schedule the hearing on that appeal. Petitioner has requested that all the appeals filed by separate DDA IIs and DDA IIIs be consolidated for one hearing before the Commission.

6. Subsequent to the July 21, 2021 Commission meeting, at which members of the Commission expressed significant concern over the fact that Gascon hired unqualified but documented financial supporters of Gascon's election campaign, Gascon has taken steps to hire what Petitioner has been advised and believes to be three or four additional career members of the Public Defenders' Office and the Alternate Public Defender's Office who are also unqualified under the Civil Service Rules but are political supporters of Gascon.

7. Petitioner ADDA has been informed and believes, and thereupon alleges that Gascon intends to appoint these additional DPDs and Alternate DPDs to DDA positions in the next few weeks.

8. Petitioner ADDA has been able to confirm that one of the DPDs who Gascon intends to appoint to a DDA III position financially contributed to Gascon's election campaign.

9. Petitioner ADDA now seeks injunctive and writ relief to prevent Respondent Gascon from continuing his plan to appoint unqualified DPDs to take open promotional positions away from ADDA members who are qualified and on valid eligible lists for promotion.

10. The injunctive relief sought herein is necessary to maintain the status quo while the merits of the case are litigated either before this Court and/or before the Civil Service Commission.

## THE PARTIES

11. The true names and capacities, whether individual, corporate, associate or otherwise, of Does 1 through 50, inclusive, are unknown to Petitioner, who therefore sues said Respondents by such fictitious names. Petitioner will ask leave of this Court to amend this Petition to show the true names and capacities of such Respondents when the same have been ascertained.

1           12.     Respondent George Gascon is now, and at all times herein mentioned was, the  
2     duly elected District Attorney for Los Angeles County. In this capacity, Respondent Gascon is  
3     the department head of the District Attorney's Office and is authorized to hire, promote, and  
4     transfer DDAs. In doing so, Respondent Gascon is required to adhere to, and comply with, the  
5     Civil Service Rules related to the hiring and promotion of County employees.

6           13.     Respondent Los Angeles County District Attorney's Office ("DAO") is now, and  
7     at all times herein mentioned was, the governmental agency responsible for prosecuting public  
8     offenses in Los Angeles County. In this capacity, the DAO is responsible for adhering to, and  
9     complying with, the terms of the Civil Service Rules related to hiring and promotion of DDAs.

10          14.     Respondent County of Los Angeles ("County") is now, and at all times herein  
11     mentioned was, a duly chartered county of the State of California and a legal subdivision of the  
12     state charged with governmental powers.

13          15.     Petitioner Association of Deputy District Attorneys for Los Angeles  
14     County ("ADDA") is the certified exclusive bargaining representative for Bargaining Unit 801,  
15     with regard to all matters concerning wages, hours and working conditions. Bargaining Unit 801  
16     consists of Deputy District Attorney Is, Deputy District Attorney IIs, Deputy District Attorney  
17     IIIs, and Deputy District Attorney IVs, pursuant to the Employee Relations Ordinance of the  
18     County of Los Angeles. Bargaining Unit 801 includes approximately 800 Los Angeles County  
19     deputy district attorneys.

20          16.     Petitioner ADDA brings this action on behalf of all of its represented employees  
21     who have been or will be injured by the unlawful appointment of unqualified DPDs to fill  
22     positions for which ADDA's members are fully qualified.

23          17.     In addition, Petitioner ADDA has suffered injury to itself as an  
24     organization by virtue of the conduct and actions of Respondents complained of herein in that  
25     ADDA has at least 200 members who have been passed over for promotion to Grade III or Grade  
26     IV as the result of the unlawful conduct of Respondents, as set forth hereinafter.

27          18.     Pursuant to its obligation as the exclusive bargaining representative for  
28     all members of bargaining unit 801, ADDA will be obligated to expend resources on behalf of

1 those 200 members, as well as other similarly situated members and future members, to contest  
2 Respondent Gascon's failure to promote those members off the duly promulgated eligible lists,  
3 in violation of the Civil Service rules. The resources required to be utilized in the pursuit of the  
4 missed promotions by these ADDA members will necessarily not be expended on other  
5 necessary union activities.

6 19. In addition, the resolution, through this litigation, of the on-going dispute  
7 over Respondents' obligation to promote existing Bargaining Unit members to Grade III and  
8 Grade IV positions in compliance with well established Civil Service rules rather than appoint  
9 unqualified DPD's who have not complied with the testing requirements set forth in the Civil  
10 Service Rules, will allow ADDA to redirect its resources to other necessary union activities.

11 20. Petitioner ADDA likewise has associational standing to sue on behalf of its  
12 members who have, to date, been adversely affected by Respondents' unlawful promotion of  
13 unqualified DPD employees rather than qualified ADDA members, as (a) each adversely  
14 affected ADDA member has standing to sue in their own right to contest the Respondents'  
15 unlawful failure to promote them; (b) the interests ADDA seeks to protect are germane to the  
16 organization's purpose; and (c) neither the claim asserted nor the relief requested requires the  
17 participation of individual members in the lawsuit.

#### 18 **JURISDICTION AND VENUE**

19 21. This Court has jurisdiction over this matter pursuant to *California Code of Civil*  
20 *Procedure* §§ 1085 and 525.

21 22. Venue is proper in the Superior Court of the State of California, for the County of  
22 Los Angeles, North Central District, in that the underlying acts, omissions, injuries and related  
23 facts and circumstances giving rise to the present action occurred in the County of Los Angeles,  
24 California.

#### 25 **RELEVANT FACTS**

##### 26 **The Existing Eligible List**

27 23. On or about May 12, 2020, the DAO certified a list of eligible candidates for  
28 promotion to the position of Deputy District Attorney Grade III. A list of eligible candidates for

1 promotion to Grade IV was certified on or about March 15, 2019.

2 24. These eligible lists were prepared in compliance with Civil Service Rule 10  
3 following the administration of a competitive examination in compliance with Rule 7. The  
4 process and content of the examination for these promotions was negotiated and agreed upon by  
5 the ADDA and DAO.

6 25. The eligible lists were announced as remaining in effect for one year, pursuant to  
7 Rule 10.06 (*“Duration of eligible lists. Except when otherwise ordered, an eligible list shall be  
8 in effect for one year from date of promulgation, unless sooner terminated pursuant to  
9 Rule 10.05, but the director of personnel may order that the period of eligibility be for a shorter  
10 time or, in his discretion, may extend the period of eligibility, or may restore any eligible list  
11 which has expired or been terminated.”*)

12 26. Approximately 225 of Petitioner’s members achieved a score on the examination  
13 which placed those members in Band 1 on the eligible lists for promotion to the positions of each  
14 DDA III and DDA IV.

15 27. At no time was Petitioner, or any ADDA member who is on either of the eligible  
16 lists, notified that the Grade III or Grade IV eligible lists had been terminated, as required by  
17 Civil Service Rule 10.05 (*“Termination of eligible lists. An eligible list may be terminated by  
18 the director of personnel after notice to those on the list when, in the director’s opinion, cause  
19 exists.”*).

20 28. On or about August 18, 2021, approximately 15 DDA III were promoted off the  
21 viable eligible list to DDA Grade IV.

22 **The Appointment of Blacknell, Joseph and Blair**

23 29. On unknown dates in or about March 2021, Blacknell and Joseph began working  
24 as Deputy District Attorney IVs in the DAO.

25 30. Also on an unknown date in early 2021, Blair began working as a DDA III in the  
26 DAO.

27 31. Immediately prior to commencing work as DDA IVs, Blacknell and Joseph, and  
28 as a DDA III, Blair, had all been employed and working as Los Angeles County DPDs.

32. Neither Blacknell nor Joseph took and passed a competitive examination for the position of Deputy District Attorney IV prior to their appointments to that position, as is required by Civil Service Rules and the County Charter. Neither Blacknell nor Joseph were placed on an eligible list for the position of DDA IV, and neither were selected for that position from the existing eligible list which had been certified by the Director of Personnel.

33. Blair did not take and pass a competitive examination for the position of DDA III prior to her appointment to that position, as is required by Civil Service Rules and the County Charter. Blair was never placed on an eligible list for the position of DDA III and was not selected for that position from the existing eligible list which had been certified by the Director of Personnel.

#### **Applicable Civil Service Rules**

34. The Civil Service Rules which require Blacknell, Joseph, and Blair to take and pass a competitive examination for the positions of DDA III and DDA IV provide as follows: CSR 7.04 *“Except as provided in Rule 8, all examinations shall be competitive.”*; CSR 7.06 *“It is county policy that vacancies will generally be filled from within.”*; CSR 11.01 *“In filling vacancies from an eligible list, the appointing authority shall make appointment from eligible lists certified by the director of personnel.”*

35. The applicable County Charter provision states:

*“The purpose of this article is to establish a Civil Service System for the classified service which shall provide County government with a productive, efficient, stable, and representative work force by: (1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills relevant to the work to be performed. (2) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected. (3) Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on political affiliation, race, color, national origin, sex, religious creed or handicap and with proper regard for their privacy and constitutional rights as citizens. (4) Assuring that employees are protected against coercion for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.”*

36. Likewise, at the time of their assignments as DDAs, Blair, Blacknell and Joseph were each not qualified to take the examination for the position of DDA III or DDA IV, as

defined by Civil Service Rules 6.01 and 6.02:

***“6.01 Qualifications for examinations. In order to qualify for examination, a candidate must:***

*“A. Meet all general requirements pertaining to filing applications for positions in the classified service as prescribed in these Rules;*

*“B. Meet such additional requirements as are specified for the particular examination, including, but not limited to education, experience, license, age, residence, sex, physical condition, or the passing of appropriate qualifying tests;*

*“C. File an application in accordance with established procedures.*

***“6.02 Qualifications for promotional examination.***

*“A. In addition to meeting the requirements of Rule 6.01, an applicant for an interdepartmental promotional examination must be a permanent county employee, and for a departmental promotional examination must in addition have status in the department specified. The director of personnel may also allow the following to compete in promotional examinations whenever such action is deemed necessary in order to meet the needs of county service:*

*“1. Probationary employees may be allowed to compete in promotional examinations, provided that they are not appointed until they have completed their probationary periods.*

*“2. Recurrent or temporary employees who have completed at least 120 working days of satisfactory service as recurrent or temporary employees may be allowed to compete in promotional examinations for permanent appointments to the class in which they have status or any lower-level class. Additionally, recurrent employees meeting the above conditions may compete in promotional examinations for higher-level recurrent positions.*

*“3. Enrollees in training programs approved by the director of personnel may be allowed to compete in promotional examinations for permanent appointment to the classes for which they have been prepared.”*

37. The specific requirements to be qualified to take the examination and be eligible for promotion to a DDA Grade IV included experience as a Los Angeles County DDA I, DDA II and DDA III, for a minimum of two years.

38. The requirements to be qualified to take the examination and be eligible for promotion to DDA Grade III includes experience as a Los Angeles County DDA I and DDA II, for a minimum of one year.

39. The examination bulletins for both the DDA Grade III and DDA Grade IV exams

specifically stated that **no Out-of-Class experience would be accepted.**

**The Appointments of Blacknell, Joseph and Blair Violate Civil Service Rule 15**

40. Respondents have claimed that the appointments of DPDs Blacknell, Joseph and Blair to the positions which they apparently hold as DDAs were Interdepartmental Transfers without an examination pursuant to Civil Service Rule 15.02, or changes of classification authorized by Civil Service Rule 15.03. These rules do not, however, authorize the appointments of Blacknell, Joseph and Blair in the place of qualified candidates on the existing, viable eligible lists.

41. Rule 15.02 provides, in relevant part:

***“15.02 Interdepartmental transfers.***

***“A.1. In the case of employees in nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, on the request of the appointing powers, the director of personnel may authorize the interdepartmental transfer of an employee from one position to another similar position of the same class, or to any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules, in another department.”*** [Emphasis added.]

42. CSR 15.03 provides, in relevant part:

***“15.03 Change of classification.***

***“A. Whenever it is found necessary to change the classification of an employee from a nonsupervisory class, supervisory class in a bargaining unit as certified by ERCOM, or managerial class in the Sheriff, to any other class, such change may be made administratively by the appointing power or powers, provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed. Such change of classification may be made only with the approval of the director of personnel.”*** [Emphasis added.]

43. Despite the requirement of CSR 15.02 that an interdepartmental transfer be to a “similar position of the same class,” Blacknell, Joseph and Blair were transferred from the class of DPD to the substantially different class, DDA.

44. CSR 2.11 defines the term “Class,” as used in Rule 15.03, as “a position or a

1 *group of positions bearing the same title.”* Deputy Public Defender and Deputy District  
2 Attorney do not bear the same title and are not the same class under the CSRs. Respondent  
3 County has assigned the class called DDA III the class code of 9273. The class code for the  
4 class called DDA IV is 9274. The Class code for DPD III is 9251 and the class code for DPD IV  
5 is 9252. These positions are not in the same class, as defined by Respondent County.

6 45. Rule 15.02 also allows transfers to ***“any other position to which his/her***  
7 ***appointment, transfer or change of classification would be authorized by these Rules.”***

8 46. Rules 6.01, 6.01, 7.01, 7.02, 11.01, the County Charter, and the requirements  
9 published in the test bulletin do not authorize the appointment of Blacknell, Joseph or Blair to  
10 the position of DDA in the absence of these candidates qualifying for, taking, and passing the  
11 examination for the class of DDA III or DDA IV, and subsequently being placed on and selected  
12 from an eligible list for a position in that class and grade.

13 47. The transfers of Blacknell and Joseph from DPD IV to DDA IV, as well as the  
14 transfer of Blair from DPD III to DDA III, violated CSR 15.03 as such transfers without an  
15 examination are only allowed *“provided both classes are of the same rank, there is no increase*  
16 *or decrease in grade, and the employee has demonstrated the possession of the skills and*  
17 ***aptitudes required in the position to which the employee is to be changed.”***

18 48. While Blacknell, Joseph and Blair each remained in the same grade, i.e., III or IV,  
19 the transfer did not maintain Blacknell, Joseph or Blair at the same rank.

20 49. Rule 2.46 defines “Rank,” as used in CSR 15.03(A) as follows:

21 *“Rank,” as it pertains to classification, means level of difficulty and*  
22 *responsibility of a class among nonsupervisory classes, supervisory classes in*  
23 *bargaining units as certified by ERCOM and managerial classes in the Sheriff,*  
*regardless of the series or service to which the class belongs.*

24 50. The positions of Deputy Public Defender and Deputy District Attorney are not of  
25 the same level of difficulty and responsibility, as those qualifications are outlined in the DDA III  
26 and DDA IV job classification bulletins issued by Respondent County.

27 51. Even if the positions are considered to be of the same rank, the DAO, Blacknell,  
28 Joseph and Blair have not demonstrated that Blacknell, Joseph or Blair possess the skills and

1 aptitude required to perform the duties of a DDA as is specifically required by Rule 15.03(A).

2 52. The skills required to perform the position of DDA III and DDA IV are defined in  
3 the class specifications, which are created by Respondent County.

4 53. The Class Specification Bulletin for the position of DDA IV, as published by the  
5 County, provides, in relevant part, as follows:

6 ***“DEFINITION:***

7 *“Performs the most difficult legal work in the prosecution of criminal cases.*

8 ***“CLASSIFICATION STANDARDS:***

9 *“In addition to the knowledge, skills, and abilities of a Deputy District Attorney*  
10 *I, II and III, positions allocable to this class are responsible for 1) prosecuting*  
11 *the most difficult and complex felony, juvenile, appellate, or other types of cases*  
12 *requiring a high degree of initiative, skill and specialized legal knowledge; 2)*  
13 *supervising a small staff of attorneys as a Calendar Deputy, Deputy-in-Charge of*  
14 *an area office, or section head; or 3) acting as assistant to a higher level position.*  
*This class encompasses administrative, lead person, and full supervisory*  
*positions and is the first level at which full supervisory or full administrative*  
*duties may be assigned. Direction received at this level is general in nature and*  
*primarily pertains to policy.*

15 \* \* \*

16 ***“REQUIREMENTS***

17 ***“MINIMUM REQUIREMENTS:***

18 ***“TRAINING AND EXPERIENCE:***

19 *“Two years of experience as a Deputy District Attorney III in the service of Los*  
20 *Angeles County.” [Emphasis added.]*

21 54. The Class Specification Bulletin published by the County for the class of DDA  
22 Grade III, provides:

23 ***“DEFINITION:***

24 *“Performs difficult legal work required in the prosecution of criminal cases.*

25 ***“CLASSIFICATION STANDARDS:***

26 *“In addition to the knowledge, skills, and abilities of a Deputy District Attorney*  
27 *I and II, positions allocable to this class are characterized by performance of the*  
28 *legal tasks involved in the prosecution of difficult or complex felony cases for the*  
*District Attorney. Incumbents at this level act as senior trial deputies in Superior*  
*Court and may provide lead supervision to lower-level attorneys in the*  
*performance of their duties. Incumbents in this class have a caseload that is more*  
*demanding than that of a Deputy District Attorney II. Positions at this level*

1 receive general supervision from the Deputy District Attorney IV or Head Deputy  
2 to whom they report.

3 \* \* \*

4 ***“MINIMUM REQUIREMENTS:***

5 ***“TRAINING AND EXPERIENCE:***

6 ***“One year of experience as a Deputy District Attorney II in the service of Los Angeles County.”*** [Emphasis added.]

7 55. DPDs Blair, Blacknell and Joseph do not possess the required “*knowledge, skills,*  
8 *and abilities of a DDA I, II, and III.*” Nor do Blacknell, Joseph or Blair have the requisite years  
9 of experience as a DDA I, DDA II or DDA III with the County of Los Angeles. Any experience  
10 as DPDs is out of class experience which is specifically not accepted to qualify to hold the  
11 positions of DDA III and DDA IV.

12 **Rule 25 Violation**

13 56. Blacknell, Joseph and Blair have each donated money to the election campaign of  
14 George Gascon, and/or worked as campaign advisors and political supporters for George  
15 Gascon.

16 57. In January 2021, Joseph personally filed a Declaration in Los Angeles County  
17 Superior Court in support of George Gascon’s opposition to the application of the ADDA for a  
18 preliminary injunction related to Mr. Gascon’s December 7, 2020 Special Directives.

19 58. The decision of Respondent George Gascon to select the unqualified, but  
20 documented political supporters, Blair, Blacknell and Joseph, rather than the eminently qualified  
21 members of Petitioner ADDA who are on the eligible list for promotion, violates CSR 25.

22 59. CSR 25 provides:

23 ***“Rule 25 MERIT SYSTEM STANDARDS***

24 ***“25.01 Employment practices.***

25 ***“A. No person in the classified service or seeking admission thereto shall be***  
26 ***appointed, reduced or removed, or in any way favored or discriminated***  
27 ***against in employment or opportunity for employment because of race,***  
28 ***color, religion, sex, physical handicap, medical condition, marital status,***  
***age, national origin or citizenship, ancestry, political opinions or***  
***affiliations, organizational membership or affiliation, or other non-merit***  
***factors, any of which are not substantially related to successful***

1           *performance of the duties of the position. “Nonmerit factors” are those*  
2           *factors that relate exclusively to a personal or social characteristic or*  
3           *trait and are not substantially related to successful performance of the*  
4           *duties of the position. Any person who appeals alleging discrimination*  
5           *based on a non-merit factor must name the specific non-merit factor(s) on*  
6           *which discrimination is alleged to be based. No hearing shall be granted*  
7           *nor evidence heard relative to discrimination based on unspecified*  
8           *non-merit factors.” [Emphasis added.]*

9           60.     The Los Angeles County Charter, and the Civil Service Rules authorized thereby,  
10           require the employment of persons based on merit. The merit system is specifically designed to  
11           remove political patronage as the basis for assignment or promotion within any position or class  
12           in the County service.

13           61.     Respondent Gascon has violated the fundamental rules of the merit system by  
14           appointing Blacknell and Joseph to DDA Grade IV positions, and Blair to a DDA Grade III  
15           position, for which they are not qualified, for which they have displayed no skill or ability to  
16           perform, and for which both now and at the time of their appointments, extremely well qualified  
17           candidates and ADDA members were waiting on the eligibility list.

18           62.     The appointments of Blair, Blacknell and Joseph were driven by political  
19           patronage by the elected district attorney, intended to reward unqualified political supporters and  
20           campaign donors, who were willing to provide public support in Mr. Gascon’s recent failed  
21           litigation over his unlawful Special Directives.

22           63.     The County Charter’s demand for a merit system of employment does not allow  
23           the pay-to-play politics exhibited by Respondent Gascon in his ongoing campaign to replace  
24           qualified ADDA members with unqualified political donors and supporters.

#### 25           Civil Service Appeals

26           64.     On or about March 10, 2021, ADDA filed, on behalf of all its members who were  
27           on the viable eligible list for each Grade III and Grade IV promotions, two appeals with the Civil  
28           Service Commission alleging violations of each of the aforementioned CSRs by the  
29           appointments of Blair, Blacknell and Joseph and requested a hearing on those appeals.

30           65.     In August and September 2021, Petitioner ADDA filed an additional  
31           approximately 9 appeals on behalf of its members who were not promoted by Respondent

1 Gascon on or about August 18, 2021.

2 66. On or about July 21, 2021, the appeal filed by Petitioner ADDA on behalf all  
3 ADDA members on the eligible list for the position of DDA IV was heard by the Civil Service  
4 Commission.

5 67. Although the appeal filed by ADDA on behalf of all ADDA members on the  
6 eligible list for the position of DDA III was filed on the same day as the appeal on behalf of  
7 those on the list for DDA IV, the DDA III appeal was not placed on the Commission's agenda  
8 for consideration until August 2021. That appeal was continued, at the request of the DAO, to  
9 the Commission's meeting of October 27, 2021.

10 68. The Commission has scheduled the last nine appeals that were filed on the agenda  
11 of its December 1, 2021 meeting for consideration of the requests for hearings.

12 69. On July 21, 2021, the Civil Service Commission granted Petitioner's request for a  
13 hearing on the alleged CSR violations committed by Respondents in the hiring of Blacknell and  
14 Joseph.

15 70. As of the date of the filing of this Petition, October 12, 2021, the Civil Service  
16 Commission has not scheduled the hearing which it granted on Petitioner's appeal on July 21,  
17 2021, and has not yet selected a Hearing Officer for the case.

18 71. Petitioner has requested that all remaining appeals be consolidated for hearing  
19 with the first appeal which was granted on July 12, 2021. Petitioner will also request that the  
20 consolidated hearing be scheduled as quickly as possible.

21 **Gascon's Current Plan To Hire Additional DPDs**

22 72. Petitioner has been informed and believes, and thereupon alleges that Respondent  
23 Gascon has selected three present, career DPDs and an additional career Alternate DPD (referred  
24 to collectively as public defenders), to be appointed as DDA IIIs and DDA IVs.

25 73. ADDA has been informed and believes that the public defenders selected by  
26 Gascon will be hired by Respondents as DDAs before the end of October 2021.

27 74. ADDA is informed and believes that all of the public defenders selected for hire  
28 by Gascon either financially supported Gascon's election campaign or played a role on his

1 various policy making teams. ADDA has confirmed that at least one of the public defenders  
2 Gascon intends to appoint as a DDA III is listed as a donor to Gascon's election campaign.

3 75. At the Civil Service Commission's meeting on July 21, 2021, when Petitioner  
4 ADDA's request for hearing on the appeal related to the unlawful hiring of Blacknell and Joseph  
5 was considered, three of the four Commissioners present expressed significant concerns about  
6 the propriety of Gascon's actions in hiring campaign contributors, and a public defender who  
7 supplied a declaration to support Gascon's opposition to the preliminary injunction sought by the  
8 ADDA against Gascon's special directives, rather than the qualified DDAs who were on the  
9 eligible list for the positions Gascon filled with the unqualified DPDs.

10 76. Despite the Commission's clear indication that Gascon's actions were contrary to  
11 the Charter's mandate of merit hiring and promotion, Gascon has continued with his plan to  
12 appoint public defenders to perform the duties of DDAs, despite the lack of qualification of the  
13 public defenders and the availability of qualified DDAs to perform the jobs Respondent Gascon  
14 is filling with public defenders.

## 15 FIRST CAUSE OF ACTION

### 16 **RELIEF SOUGHT PURSUANT TO C.C.P. § 1085** 17 **[Petitioner Against Respondents Gascon, DAO, and County]**

18 77. Petitioner hereby reasserts and realleges, with the same force and effect as if more  
19 fully set forth herein, each and every fact and allegation set forth in Paragraphs 1 through 76,  
20 inclusive, of this Petition.

21 78. *Code of Civil Procedure* § 1085(a) provides, in pertinent part:

22 *"A writ of mandate may be issued by any court to any inferior tribunal,*  
23 *corporation, board, or person, to compel the performance of an act which the law*  
24 *specifically enjoins, as a duty resulting from an office, trust, or station, or to*  
25 *compel the admission of a party to the use and enjoyment of a right or office to*  
*which the party is entitled, and from which the party is unlawfully precluded by*  
*that inferior tribunal, corporation, board, or person."*

26 79. At all times herein mentioned, Respondents Gascon, DAO, and County, had a  
27 ministerial duty to comply with the Los Angeles County Charter and the Los Angeles County  
28 Civil Service Rules as they pertain to the hiring and promotion of County employees.

1           80.     Respondents unilaterally and unlawfully appointed DPDs Blacknell, Joseph and  
2 Blair to DDA III and DDA IV positions, in excess of their authority and in contravention of Civil  
3 Service Rules 7.04, 7.06, 11.01, 6.01, 6.02, 15.02, 15.03, and 25, as well as the Los Angeles  
4 County Charter.

5           81.     Respondents have again, despite the appeals pending before the Civil Service  
6 Commission, taken action to continue appointing unqualified public defenders to fill positions  
7 for which qualified DDAs are available and on a certified, viable eligible list.

8           82.     Petitioner, and its members, are beneficially interested in the outcome of this case  
9 in that Petitioner's members are, and at all relevant times have been, civil service employees  
10 who are the direct and intended beneficiaries of the Civil Service Rules.

11          83.     Petitioner and its members are also beneficially interested in the outcome of this  
12 case in that Respondents' unlawful conduct complained of herein has directly resulted in the  
13 failure of ADDA members to be promoted to positions for which they are highly qualified.

14          84.     Petitioner and its members are further beneficially interested in the outcome of  
15 this case in that, if Respondent Gascon is allowed to continue on his unlawful course of  
16 replacing qualified DDAs with unqualified political cronies, Petitioner's members will be in  
17 danger of losing their jobs, as well as all opportunity for advancement in their chosen careers,  
18 and Petitioner will ultimately lose members.

19          85.     Petitioner has exhausted all available, effective administrative remedies, and has  
20 no plain, speedy or adequate remedy in the ordinary course of the law other than the relief sought  
21 by this Petition.

22          86.     At all times herein mentioned, Respondents have willfully and maliciously failed  
23 to abide by the applicable Civil Service Rules and provisions of the Los Angeles County Charter.

24          87.     At all times mentioned herein, the conduct of Respondents was arbitrary,  
25 capricious, and contrary to both public policy and the law. As a result of the conduct of these  
26 Respondents, Petitioner has incurred legal fees in the preparation and presentation of this  
27 Petition for Peremptory Writ of Mandate and Points and Authorities in support thereof in a total  
28 sum which has not yet been ascertained but for which Petitioner will be obligated.

1 SECOND CAUSE OF ACTION

2 **INJUNCTIVE RELIEF PURSUANT TO C.C.P. §§ 545 & 546**  
3 **[Petitioner Against Respondents Gascon, DAO, and County]**

4 88. Petitioner hereby reasserts and realleges, with the same force and effect as if more  
5 fully set forth herein, each and every fact and allegation set forth in Paragraphs 1 through 87,  
6 inclusive, of this Petition.

7 89. California *Code of Civil Procedure* section 525 provides:

8 ***“§ 525. Injunction defined; Who may grant***

9 *“An injunction is a writ or order requiring a person to refrain from a particular*  
10 *act. It may be granted by the court in which the action is brought, or by a judge*  
11 *thereof; and when granted by a judge, it may be enforced as an order of the*  
12 *court.”*

13 90. California *Code of Civil Procedure* section 526 provides, in relevant part:

14 ***“§ 526. Cases in which injunction may or may not be granted***

15 *“(a) An injunction may be granted in the following cases:*

16 *“(1) When it appears by the complaint that the plaintiff is entitled to the relief*  
17 *demand, and the relief, or any part thereof, consists in restraining the*  
18 *commission or continuance of the act complained of, either for a limited period or*  
19 *perpetually.*

20 *“(2) When it appears by the complaint or affidavits that the commission or*  
21 *continuance of some act during the litigation would produce waste, or great or*  
22 *irreparable injury, to a party to the action.*

23 *“(3) When it appears, during the litigation, that a party to the action is doing, or*  
24 *threatens, or is about to do, or is procuring or suffering to be done, some act in*  
25 *violation of the rights of another party to the action respecting the subject of the*  
26 *action, and tending to render the judgment ineffectual.”*

27 91. Petitioner has filed approximately eleven appeals with the Civil Service  
28 Commission seeking a consolidated hearing on the issue of the unlawfulness of Respondent  
Gascon’s appointment of unqualified, political supporters to hold high ranking DDA positions  
for which Petitioner’s members are qualified and available.

92. The Civil Service Commission granted a hearing in the first of the appeals to  
come before it. The consideration of the next appeal by the Commission is scheduled for  
October 27, 2021. The remaining appeals have been scheduled on the Commission’s agenda for

1 consideration by the Commission at its December 1, 2021 meeting.

2 93. The Commission has taken no steps since July 21, 2021 to schedule the hearing  
3 on the one appeal which has been granted a hearing.

4 94. Despite the Commission's direct expression of disagreement with Respondent  
5 Gascon's conduct of appointing unqualified political supporters in violation of the CSRs, Gascon  
6 has continued with this course of action, having identified at least three more unqualified public  
7 defenders he intends to hire to fill DDA III and DDA IV positions for which qualified ADDA  
8 members are available.

9 95. Without the issuance of the injunctive relief requested herein, Respondent Gascon  
10 will continue to appoint unqualified political supporters to available DDA III and DDA IV  
11 positions, to the great injury and detriment of Petitioner ADDA and its members, who will  
12 necessarily not be appointed to the DDA Grade III and DDA Grade IV positions Gascon intends  
13 to fill with his political supporters.

14 96. In addition, the injunctive relief requested herein is necessary to maintain the  
15 status quo while the appeal matters are pending before the Civil Service Commission and this  
16 litigation is pending before the Court.

17 **WHEREFORE, Petitioner prays:**

18 1. That the Court issue a Traditional Writ of Mandate pursuant to California *Code*  
19 *of Civil Procedure* § 1085 to require Respondents Gascon, DAO, and County, and each of them,  
20 together with their officers, agents, servants, employees, representatives, and all persons acting  
21 in concert or participating with them, to perform their ministerial duty, as created by the Los  
22 Angeles County Charter and the Civil Service Rules, to not hire, transfer or appoint any public  
23 defender, or any other person unqualified under Civil Service Rules 6.01, 6.02, 15.02, 15.03,  
24 7.04, 7.06, 11.01, and 25, to hold any position as a Deputy District Attorney II, III, IV, or V;  
25 and to not take any action which will result in the expiration or other invalidation of any existing  
26 eligible list for the positions of DDA III, DDA IV, and/or DDA V until a valid replacement  
27 eligible list of qualified candidates is properly certified and published;

28 2. That the Court issue Temporary, Preliminary, and Permanent injunctive relief

1 ordering Respondents Gascon, DAO, and County, and each of them, together with their officers,  
2 agents, servants, employees, representatives, and all persons acting in concert or participating  
3 with them, to immediately cease and desist from:

4       A.     Hiring, transferring, or appointing any public defender, or any other person who  
5               is unqualified pursuant to Civil Service Rules 6.01, 6.02, 15.02, 15.03, 7.04, 7.06,  
6               11.01, and 25, to hold any position as a DDA II, DDA III, DDA IV, or DDA V,  
7               while this litigation and the litigation of any and all hearings on appeals granted  
8               by the Civil Service Commission to contest the actions of Respondents Gascon,  
9               DAO, and County in hiring Tiffany Blacknell, Shelan Joseph, and Alisa Blair in  
10              violation of the Civil Service Rules and the County Charter remains pending; and

11       B.     Taking any steps to expire, or otherwise invalidate the existing eligible lists for  
12               the positions of DDA III, DDA IV, and/or DDA V while this litigation and the  
13               litigation of any and all hearings on appeals granted by the Civil Service  
14               Commission to contest the actions of Respondents Gascon, DAO, and County in  
15               hiring Tiffany Blacknell, Shelan Joseph, and Alisa Blair in violation of the Civil  
16               Service Rules and the County Charter remains pending, unless an examination  
17               which complies with Civil Service Rules 5, 6, 7, 11, and 25 is properly offered,  
18               scored, and calculated, and a replacement eligible list of qualified candidates for  
19               the position has been certified and published.

20       3.     For Petitioner's cost of suit incurred herein;

21       4.     For Petitioner's attorney's fees in accordance with law, including California  
22       *Government Code* § 800;

23       5.     For Petitioner's attorney's fees in accordance with law, including California *Code*  
24       *of Civil Procedure* § 1021.5;

25       ///

26       ///

27       ///

28       ///

1           6.       For such other and further relief as the Court may deem just, necessary and  
2 proper.

3 Dated: October 11, 2021

Respectfully submitted,

THE GIBBONS FIRM, PC

5  
6 By: *Elizabeth J. Gibbons*  
Elizabeth J. Gibbons  
7 Attorneys for Petitioner, Association of  
8 Deputy District Attorneys for Los Angeles  
County (ADDA)

**VERIFICATION**

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

)  
) ss.  
)

I, the undersigned, say:

I am the President of the Association of Deputy District Attorneys for Los Angeles County (ADDA), the Petitioner in the above-entitled action. I have read the Verified Petition for Writ of Mandate. The same is true of my own personal knowledge, except as to the matters which are therein alleged upon my information or belief, and as to those matters that I believe them to be true.

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

Executed this 11th day of October 2021, at Los Angeles, California.

  
Michele Hanissee

**[Proposed] OSC and [Proposed] TRO**

ELIZABETH J. GIBBONS, SBN 147033  
**THE GIBBONS FIRM, P.C.**  
811 Wilshire Blvd., 17<sup>th</sup> Floor  
Los Angeles, CA 90017

Phone: (323) 591-6000  
Email: egibbons@thegibbonsfirm.com

Attorneys for Petitioner, Association of Deputy District  
Attorneys for Los Angeles County (ADDA)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ASSOCIATION OF DEPUTY DISTRICT  
ATTORNEYS FOR LOS ANGELES  
COUNTY (ADDA),

Petitioner,

v.

GEORGE GASCON, LOS ANGELES  
COUNTY DISTRICT ATTORNEY; LOS  
ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE; COUNTY OF  
LOS ANGELES; DOES 1 through 50,  
inclusive,

Respondents.

Case No. 21STCP03412

**[PROPOSED]  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

**[PROPOSED]  
TEMPORARY  
RESTRAINING ORDER**

**[Rule 3.1150(c), Cal. Rules of Court]**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

The Ex Parte Application of Petitioner ADDA for a Temporary Restraining Order and Order to Show Cause why a preliminary and permanent injunction should not issue, came on regularly for hearing on October 14, 2021 at 8:30 a.m. in Department 86 of the above-entitled Court. After reviewing the papers and pleadings filed by the parties herein, after hearing oral arguments on behalf of the parties, and it appearing to the satisfaction of the Court that this is a proper case for granting an Order to Show Cause and Temporary Restraining Order, on the basis that unless an Order To Show Cause and a

1 Temporary Restraining Order are granted, great or irreparable injury will result to  
2 Petitioner before the matter can be heard on notice:

3 **ORDER TO SHOW CAUSE**

4 **IT IS HEREBY ORDERED** that Respondents George Gascon, Los  
5 Angeles County District Attorney's Office, and County of Los Angeles shall appear  
6 before this Court on the \_\_\_\_\_ day of October, 2021, at 9:30 a.m., or as soon thereafter  
7 as the matter may be heard, in Department 86 of this Court, located at 111 North Hill  
8 Street, Los Angeles, California 90012, and then and there show cause, if any, why  
9 preliminary and permanent injunctions should not be entered preliminarily and  
10 permanently enjoining and prohibiting Respondents, and each of them, as well as their  
11 officers, agents, servants, representatives, subordinate officers, employees, and all  
12 persons acting in concert or participating with them, pending the complete litigation of  
13 this action as well as of the related appeals which are presently pending before the Los  
14 Angeles County Civil Service Commission, from committing or performing, directly or  
15 indirectly, any and all of the following acts:

- 16 A. Hiring, transferring, or appointing any public defender, or any other  
17 person who is unqualified pursuant to Civil Service Rules 6.01, 6.02,  
18 15.02, 15.03, 7.04, 7.06, 11.01, and 25, to hold any position as a  
19 Deputy District Attorney II, III, IV, or V, while this litigation and the  
20 litigation of any and all hearings on appeals granted by the Civil  
21 Service Commission to contest the actions of Respondents Gascon,  
22 DAO, and County in hiring Tiffany Blacknell, Shelan Joseph, and  
23 Alisa Blair in violation of the Civil Service Rules and the County  
24 Charter remains pending; and
- 25 B. Taking any steps to expire, or otherwise invalidate the existing  
26 eligible lists for the positions of DDA III, DDA IV, and/or DDA V  
27 while this litigation and the litigation of any and all hearings on  
28 appeals granted by the Civil Service Commission to contest the

1 actions of Respondents Gascon, DAO, and County in hiring Tiffiny  
2 Blacknell, Shelan Joseph, and Alisa Blair in violation of the Civil  
3 Service Rules and the County Charter remains pending, unless an  
4 examination which complies with Civil Service Rules 5, 6, 7, 11, and  
5 25 is properly offered, scored, and calculated, and a replacement  
6 eligible list of qualified candidates for the position has been certified  
7 and published.

8 **BRIEFING SCHEDULE ON OSC**

9 **IT IS FURTHER ORDERED** that Petitioner's Petition for Writ of  
10 Mandate and Complaint for Injunctive Relief, together with Petitioner's Ex Parte  
11 Application, with all supporting documents, are deemed filed and served on this date,  
12 October 14, 2021.

13 Supplemental Points and Authorities shall be filed and served by email  
14 upon counsel for the Respondents on or before October \_\_\_\_, 2021 at 5:00 p.m.

15 Opposition papers shall be filed and served upon counsel for Petitioners by  
16 email on or before October \_\_\_\_, 2021 at 5:00 p.m.

17 Reply papers shall be filed and served upon counsel for the Respondents by  
18 email on or before October \_\_\_\_, 2021 at 5:00 p.m.

19 **TEMPORARY RESTRAINING ORDER**

20 **IT IS FURTHER ORDERED** that pending the hearing on the Order to  
21 Show Cause, Respondents, and each of them, as well as their officers, agents, servants,  
22 representatives, subordinate officers, employees, and all persons acting in concert or  
23 participating with them, are hereby temporarily restrained and enjoined from committing  
24 or performing, directly or indirectly, any and all of the following acts:

- 25 A. Hiring, transferring, or appointing any public defender, or any other  
26 person who is unqualified pursuant to Civil Service Rules 6.01, 6.02,  
27 15.02, 15.03, 7.04, 7.06, 11.01, and 25, to hold any position as a  
28 Deputy District Attorney II, III, IV, or V; and

B. Taking any steps to expire, or otherwise invalidate the existing eligible lists for the positions of DDA III, DDA IV, and/or DDA V while this litigation and the litigation of any and all hearings on appeals granted by the Civil Service Commission to contest the actions of Respondents Gascon, DAO, and County in hiring Tiffany Blacknell, Shelan Joseph, and Alisa Blair in violation of the Civil Service Rules and the County Charter remains pending, unless an examination which complies with Civil Service Rules 5, 6, 7, 11, and 25 is properly offered, scored, and calculated, and a replacement eligible list of qualified candidates for the position has been certified and published.

**IT IS SO ORDERED**

DATED: October 15, 2021

JUDGE OF THE SUPERIOR COURT

**PROOF OF SERVICE**

STATE OF CALIFORNIA        )  
  ) ss.  
COUNTY OF LOS ANGELES    )

I am a citizen of the United States; I am over the age of eighteen years and not a party to the within action; my business address is 811 Wilshire Boulevard, 17th Floor, Los Angeles, California 90017.

On the date written below, I served the within:  
**[PROPOSED] ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; [PROPOSED] TEMPORARY RESTRAINING  
ORDER**  
*Association of Deputy District Attorneys for Los Angeles County (ADDA) v.  
George Gascon, Los Angeles County District Attorney, et al.*  
LASC Case No. 21STCP03412

on the interested parties in said action as follows:

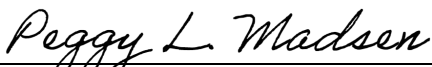
James Oldendorph  
Liebert Cassidy Whitmore  
6033 West Century Boulevard, 5<sup>th</sup> Floor  
Los Angeles, CA 90045  
joldendorph@lcwlegal.com

**[ X ] BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepared at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**[ X ] BY ELECTRONIC MAIL (E-MAIL):** I transmitted the document(s) via electronic mail using web mail through the electronic mail server gmail.com and no error was reported by the mail administrator. Pursuant to California Rules of Court, Rule 2006(d), I printed the confirmation of the e-mail transmission.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 14, 2021 at Los Angeles, California.

  
\_\_\_\_\_  
Peggy Madsen