

**CALIFORNIA CORRECTIONAL SUPERVISORS
ORGANIZATION**

January 21, 2010

Dear CCSO Members (Dentistry):

Please find enclosed the court's decision in our motion for a temporary restraining order (TRO). The court denied our motion finding that we *did* have standing, the court *did* have subject matter jurisdiction, but that our evidence did not show likelihood of success on the merits. Because our evidence did not support such a finding, the court denied our motion for TRO.

What does that mean? It means that **we still have a lawsuit and another opportunity to stop the elimination of the CD position.** However, we will not be able to stop the elimination from occurring before Feb 5th. We will be attacking the elimination after the fact.

Our next hearing is a case management conference on March 5th at 1:30 pm. Also, we will have the opportunity to obtain more evidence for our case through written questions/answers and oral testimony (depositions) commencing immediately.

At this moment, I am researching whether we have grounds to appeal this decision to the Court of Appeals, and if the Court of Appeals can grant an injunction pending their decision. Procedurally, it is possible. I just don't know if we have good enough facts here. I'll let you know my conclusion as soon as I figure it out.

I want to thank you all again, for your tireless efforts to assist in this case.

That's all for now,
Kelley

MARTINEZ LAW FIRM

Note: CCSO has authorized Attorney Kelley Martinez to take any action necessary to continue this fight. Although, CCSO is pleased that the court deemed we have enough findings to have the case heard in a few months we are fighting to stop the actions before February 5th. An appeal will be on the denial of the TRO because the Judge has already deemed the court hearing will proceed. For members who have been demoted to dentist and have to withdraw from CCSO, we ask that you keep an eye on our weekly updates via the CCSO web page ccsonet.org where you will click on the news page and find updates under Chief Dentist Litigation. We hope to have all our members who have demoted back as members within 6 months. Hang in there!

Pat Le Sage
Chief Operations & Financial Officer
California Correctional Supervisors Organization