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SUPERIOR COURT
COUNTY OF SACRAMENTO

ART PULASKI, individually as
Executive Secretary Treasurer of the
CALIFORNIA LABOR FEDERATION,
AFL-CIO, an unincorporated association,
for and on behalf of its affiliates; JOHN F.
HENNING; LU TOWNSEND;
JOAN LICHTERMAN; and ARTHUR DALBY,

Petitioners

v.

CALIFORNIA OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD

Respondents

AMERICAN TRUCKING ASSOCIATIONS, INC.
and CALIFORNIA TRUCKING ASSOCIATION

Petitioners/Plaintiffs in Intervention

v.

CALIFORNIA OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD; JERE INGRAM;
LYN W. BERMAN; JOHN B. FOSTER; WILLIAM
JACKSON; JAMES P. SMITH; SOPAC M.
TOMPKINS; KENNETH T. YOUNG (in their
capacity as members of the California
Occupational Safety and Health Standards
Board); CALIFORNIA DIVISION OF OCCUPATIONAL
SAFETY AND HEALTH; JOHN H. HOWARD
(in his capacity as Chief of the California Division
of Occupational Safety and Health); and JOHN
DUNCAN in his capacity as Acting Director
of the Department of Industrial Relations),

Respondents/Defendants.

Case No. 95CS00362
Dept. 23

MODIFIED PEREMPTORY
WRIT OF MANDATE

1 AMERICAN FEDERATION OF LABOR AND
2 CONGRESS OF INDUSTRIAL ORGANIZATIONS
3 ("AFL-CIO"),

4 Petitioners in Intervention

5 v.

6 CALIFORNIA OCCUPATIONAL SAFETY AND
7 HEALTH STANDARDS BOARD

8 Respondent

9 TO RESPONDENT CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS
10 BOARD:

11 A Modified Judgment having been entered in this proceeding, ordering the issuance
12 of a peremptory writ of mandate from this court,

13 YOU ARE HEREBY COMMANDED immediately upon receipt of this writ to refrain from
14 giving legal force and effect to the following part of section 5110 which exceeds your
15 statutory authority and is invalid: the words "Exemption: Employers with 9 or fewer
16 employees." following subdivision (a)(4).

17 Nothing in this writ shall limit you from giving full legal force and effect to the
18 remaining provisions of section 5110 which fall within your statutory authority, are valid,
19 and are severable from the invalid part specified above.

20
21 Dated: MAR 15 2000



22 *[Handwritten Signature]*
23 Clerk of the Superior Court

24 **B. WILSON**
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