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6 Attorneys for Defendant
 7 MICHAEL PLANET, IN HIS OFFICIAL
 8 CAPACITY AS COURT EXECUTIVE
 OFFICER/CLERK OF THE VENTURA
 COUNTY SUPERIOR COURT

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11
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 13 COURTHOUSE NEWS SERVICE,

14 Plaintiff,

15 v.

16 MICHAEL PLANET, IN HIS
 17 OFFICIAL CAPACITY AS COURT
 EXECUTIVE OFFICER/CLERK OF
 THE VENTURA COUNTY
 SUPERIOR COURT,

18 Defendant.
 19

Case No. CV11-08083 R (MANx)

Assigned for all purposes to
 Hon. Manuel L. Real

**DECLARATION OF ROBERT
 SHERMAN IN SUPPORT OF
 DEFENDANT'S OPPOSITION
 TO PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**

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1 I, ROBERT SHERMAN, hereby declare as follows:

2 1. I am the Assistant Court Executive Officer and Chief Financial Officer
3 for the Superior Court of the State of California, County of Ventura (the "Ventura
4 Superior Court"). I have been the Assistant Court Executive Officer since 2004,
5 and the Chief Financial Officer since 1999. As the Assistant Court Executive
6 Officer, I am responsible for substantial management authority in the court and
7 assisting the Court Executive Officer with strategic direction and overall
8 management of the court's non-judicial operations, as well as serving in the absence
9 of the Court Executive Officer. As the Chief Financial Officer, I am responsible for
10 the overall fiscal and budgetary administration of the court. I have personal
11 knowledge of the facts stated in this Declaration, and I could and would
12 competently and truthfully testify to these facts if called upon to do so.

13 2. The California state judicial system is in the midst of an unprecedented
14 financial crisis. Over the last three fiscal years, the statewide budget for the courts
15 has been cut by more than \$350 million.

16 3. Ventura Superior Court has been not been spared from the impact of
17 these statewide cuts. Over the last three fiscal years, the Ventura Superior Court
18 budget has been cut by more than \$13 million:

- 19 • FY 09-10 budget cuts totaled \$3.5 million
- 20 • FY 10-11 budget cuts totaled \$3.6 million
- 21 • FY 11-12 budget cuts totaled \$5.9 million

22 4. Ventura Superior Court has done many things in an effort to mitigate
23 the impact of these cuts over the last few years.

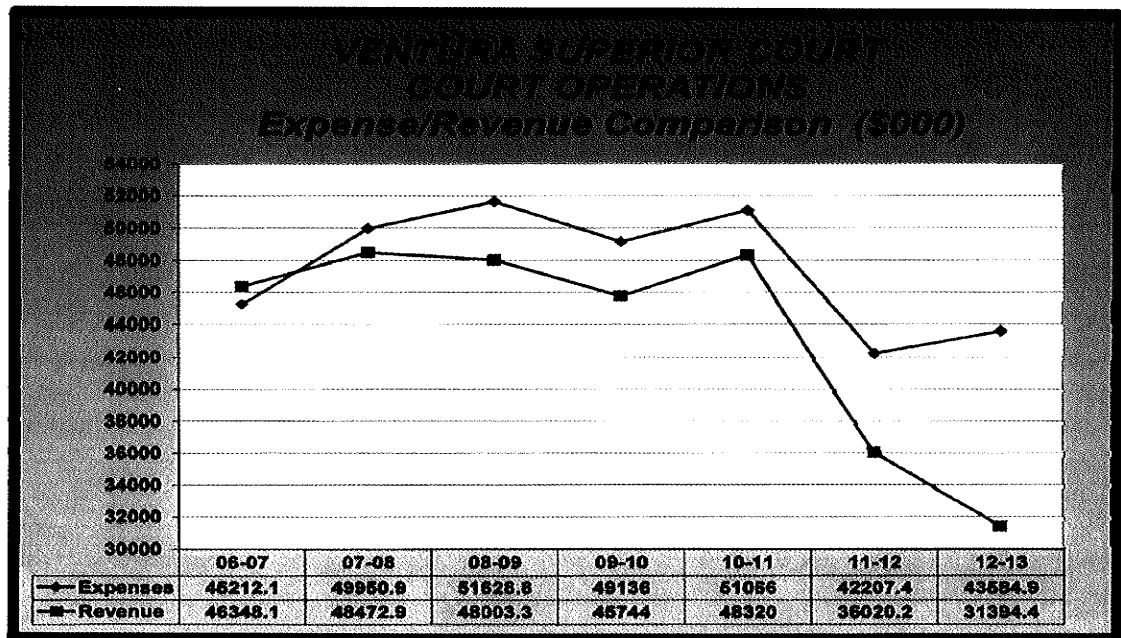
24 5. Starting in FY 08-09, Ventura Superior Court instituted a hiring freeze.
25 As a result of that freeze and natural attrition, the vacancy rate for administrative
26 positions has more than doubled. In 2008, there were 22 vacant administrative
27 positions. As of October 25, 2011, there were 48.5 vacancies (accounting for one
28 split-position vacancy). This comparison can be seen in the August 2008 Vacancy

1 Report and the October 2011 Vacancy Report, true and correct copies of which are
2 attached hereto as Exhibit A and B, respectively. These charts were prepared by
3 the court's human resources department and validated by my staff at my direction.

4 6. Ventura Superior Court also has increased staff furlough days. In prior
5 fiscal years, all court staff was required to take a minimum of 12 furlough days,
6 though staff could volunteer to take more. In this fiscal year, depending on the
7 category of employee, court staff are required to take anywhere from 13 to 18
8 mandatory furlough days.

9 7. Additionally, Ventura Superior Court has reduced the hours it is open
10 to the public. Currently, the courthouse closes at 4:00 p.m., an hour earlier than its
11 traditional 5:00 p.m. closing time. Effective January 1, 2012, the courthouse will
12 close at 3:00 p.m., another hour earlier.

13 8. All these expense control measures over the past three fiscal years
14 included more than \$1.7 million in operating expense reductions in FY 09-10 alone,
15 and they are still not enough. The deficit between revenue and expenses continues
16 to grow:

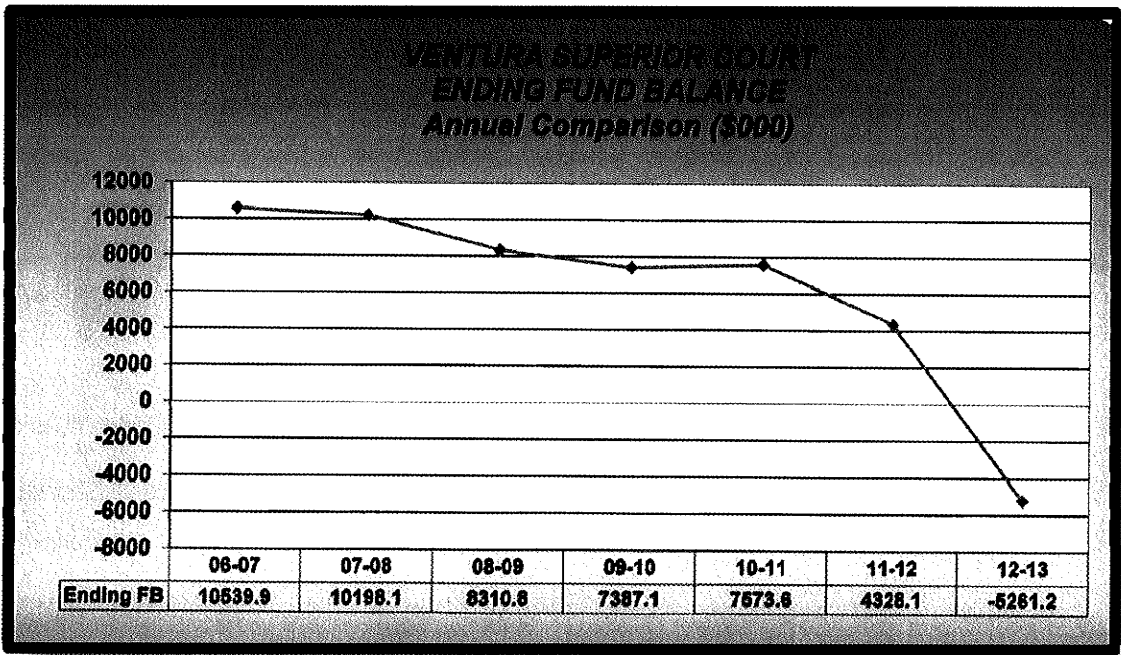


1 This Court Operations Expense/Revenue Comparison chart was prepared by my
2 staff at my direction. As the chart shows, the cumulative effect of these budget cuts
3 has resulted in a \$5.9 million shortfall this current fiscal year.

4 9. Ventura Superior Court has only two mechanisms to offset this
5 shortfall.

6 10. First, Ventura Superior Court can draw from a locally generated
7 stream of revenue derived from Ventura Superior Court's Collections Unit, which
8 is responsible for collection of all court ordered fines, probation fees, juvenile
9 detention fees, probation investigation fees and victim restitution. Typically, the
10 revenue generated from the Collections Unit—which totaled \$2.7 million last
11 year—would go to Ventura Superior Court's reserve fund. This year, that entire
12 \$2.7 million is being used to help offset the \$5.9 million shortfall.

13 11. Second, Ventura Superior Court can draw from its reserve fund, which
14 is formally known as the court's Fund Balance. The Fund Balance has decreased
15 from \$10.5 million in FY 06-07 to \$4.3 million this year, FY 11-12:



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1 This Ending Fund Balance chart was prepared by my staff at my direction.

2 12. For this current fiscal year, Ventura Superior Court will draw \$3.2
3 million from the Fund Balance, which, when combined with the \$2.7 million,
4 serves to make up the \$5.9 million shortfall.

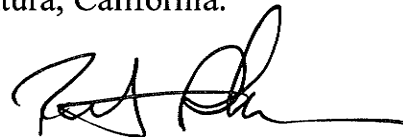
5 13. The situation is only expected to get worse. The budget cuts for
6 Ventura Superior Court's next fiscal year (FY 12-13) are expected to increase by
7 \$6.3 million. Those cuts will net a \$12.2 million shortfall.

8 14. In an effort to make up that shortfall, the Ventura Superior Court Fund
9 Balance will be entirely depleted. Indeed, using all the expected \$2.7 million in
10 revenue from the Collections Unit and combining that with the \$4.3 million
11 remaining in the Fund Balance, will still leave a shortfall of \$5.2 million. That is a
12 *remaining* shortfall nearly equal to the current year's total shortfall.

13 15. Ventura Superior Court will have no other ways in which to deal with
14 that shortfall other than through additional staff reductions and court closures.
15 There will be no additional reserve funds or other sources of revenue.

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17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.

19 Executed on October 28, 2011, at Ventura, California.

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22 Robert Sherman

23 LAI-3152263v1

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EXHIBIT A

EXHIBIT B

