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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

INDEPENDENT TRAINING AND)
APPRENTICESHIP PROGRAM, a California)
corporation, BRANDIN MOYER, and)
HAROLD E. NUTTER, INC., a California)
Corporation ,)

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF)
INDUSTRIAL RELATIONS, an agency of the)
State of California, by and through)
CHRISTINE BAKER, in her official capacity)
as Acting Director of the CALIFORNIA)
DEPARTMENT OF INDUSTRIAL)
RELATIONS, DIVISION OF)
APPRENTICESHIP STANDARDS, by and)
through GLEN FORMAN, in his official)
capacity as Acting Chief, DIVISION OF)
LABOR STANDARDS ENFORCEMENT, by)
and through JULIE SU, in her official capacity)
as Labor Commissioner,)

Defendants.

Case No.: 2:11-CV-01047-GEB -DAD

**DECLARATION OF JULIE NUTTER IN
SUPPORT OF PLAINTIFFS' REPLY TO
DEFENDANTS' OPPOSITION TO
MOTION FOR PRELIMINARY
INJUNCTION**

Date: July 11, 2011

Time: 9:00 a.m.

Courtroom: 10

Judge: Hon. Garland E. Burrell, Jr.

Complaint Filed: April 18, 2011

I, JULI NUTTER, declare as follows:

1. I am a Vice President of Harold E. Nutter, Inc., a plaintiff in above entitled action.

I have personal knowledge of the facts set forth in this declaration except as to matters stated upon

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1 information and belief, and as to those matters I believe them to be true and if called upon to do
2 so, I could and would competently so testify under oath.

3 2. I have reviewed the declaration of Glen Foreman in Support of Defendants'
4 Opposition to Plaintiff's Request for Preliminary Injunction ("Foreman Declaration").

5 3. Paragraph 12 of the Foreman Declaration states that Mr. Foreman understands that
6 "Nutter Electric contends that it cannot compete for public works jobs unless it pays workers
7 enrolled in federal apprenticeship below the prevailing wage." This is a misleading and inaccurate
8 statement. The apprentice prevailing wage paid by Nutter Electric to its federally approved
9 apprentices is the same as the apprenticeship prevailing wage paid to apprentices in state approved
10 programs. I believe Mr. Foreman's innuendo that Nutter Electric pays apprentices less than the
11 prevailing wage is based on the state's misguided refusal to recognize ITAP apprentices working
12 on public works projects involving a federal purpose as "apprentices" for prevailing rate
13 determinations. The state refuses to recognize those federally approved apprentices as apprentices
14 and insists they be paid a journeyman prevailing wage rate.

15 4. The insistence that ITAP apprentices be paid a journeyman prevailing wage rate
16 rather than the apprentice prevailing wage rate deprives such apprentices of the opportunity to
17 work on public works projects to gain skill and experience. That deprivation of opportunity runs
18 exactly counter to the purpose of the development of national standards for apprenticeship which
19 was to foster, promote and expand opportunities for apprentices to gain work experience and hone
20 their skills while being paid a fair wage on public works projects. The deprivation of opportunity
21 for apprentices is at the heart of the unlawful actions of the Defendants which plaintiffs have
22 challenged by their lawsuit and ask the court to enjoin.

23 5. Plaintiff Brandon Moyer has never been employed by Harold E. Nutter, Inc.

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

26 Executed on July 1, 2011 at Sacramento, California.

27
28 

JULI NUTTER

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