

Please return confirmed copy to:

PHILL SILVER & PHILIP POPPLER
Attorneys at Law
1680 North Vine Street
HOLLYWOOD, California 90028
Telephone :HO: 4-7521

Attorney for Plaintiffs

FILED

NOV 16 1966

CLERK, U. S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY _____ DEPUTY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

VELMA L. MENGELKOCH, et. al.,)
)
) Plaintiffs,)
)
) vs.)
)
) INDUSTRIAL WELFARE COMMISSION,)
) et.al.,)
)
) Defendants.)
)

NO: 66-1618-S

APPLICATION FOR ORDER
PERMITTING THE JOINDER OF
A DEFENDANT

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

The undersigned, one of the attorneys for the plaintiffs
in the above entitled action, hereby states as follows:

That the INDUSTRIAL WELFARE COMMISSION was named as a
defendant in this action on the assumption that they were a
necessary party and that they were charged with the duty of
enforcing the provisions of the Labor Code. MR. WILLIAM L. ZESSAR,
Deputy Attorney General, has informed the undersigned that the
Division of Industrial Welfare, rather than the Industrial
Welfare Commission is charged with the responsibility of enforcing
the applicable provisions of the Labor Code. Mr. Zessar has
requested counsel for the plaintiffs to take the necessary steps
to make the Division of Industrial Welfare a defendant. That none
of the present defendants have any legal objection to joining
the DIVISION OF INDUSTRIAL WELFARE as a party defendant in this

1 action.

2 WHEREFORE, plaintiffs pray that the court make an ex parte order
3 permitting joinder of the defendant DIVISION OF INDUSTRIAL WELFARE
4 OF THE STATE OF CALIFORNIA, as an additional party defendant in this
5 action.

6 That attached hereto is a copy of a letter received from
7 the Office of the Attorney General by plaintiff's counsel, which
8 letter is incorporated herein by reference and made a part of this
9 application.

10 Plaintiff's counsel believes that the INDUSTRIAL WELFARE
11 COMMISSION is also a necessary party and should remain as a
12 party defendant.

13 In an opinion rendered by the Attorney General - 12 Atty. Gen.
14 P.319 (1949), it is indicated that the COMMISSION has the power to
15 make mandatory orders containing the standard conditions of labor
16 for women.

17 Executed at Hollywood, California, this 14th day of November,
18 1966.

19
20 PHILL SILVER
21 PHILL SILVER,
22 Attorney for Plaintiffs

23 O R D E R

24 Upon reading the application of plaintiffs herein, and good
25 cause appearing therefor,

26 IT IS HEREBY ORDERED that the DIVISION OF INDUSTRIAL WELFARE
27 OF THE STATE OF CALIFORNIA be, and it hereby is, joined as a party
28 defendant to this action; that the complaint shall be deemed
29 amended to include the DIVISION OF INDUSTRIAL WELFARE as a party
30 defendant herein; that summons may issue naming the DIVISION OF
31 INDUSTRIAL WELFARE as a defendant herein.

32 ALBERT LEE STEPHENS, JR.
ALBERT LEE STEPHENS, JR., JUDGE,
UNITED STATES DISTRICT COURT