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10 INSTITUTE OF GOVERNMENTAL ADVOCATES,  
11 JERICHO: A VOICE FOR JUSTICE, LAW  
12 OFFICES OF TIMOTHY YARYAN, TIMOTHY  
13 YARYAN, LOS ANGELES POLICE PROTECTIVE  
14 LEAGUE, and CALIFORNIA PROFESSIONAL  
15 FIREFIGHTERS

16 SUPERIOR COURT OF CALIFORNIA

17 COUNTY OF SACRAMENTO

18 INSTITUTE OF GOVERNMENTAL  
19 ADVOCATES; JERICHO: A VOICE FOR  
20 JUSTICE; LAW OFFICES OF TIMOTHY  
21 YARYAN; TIMOTHY YARYAN; LOS  
ANGELES POLICE PROTECTIVE  
LEAGUE; CALIFORNIA PROFESSIONAL  
FIREFIGHTERS,

Petitioners,

vs.

DEBRA BOWEN, in her official capacity as  
California Secretary of State,

Respondent.

**FILED**  
**Superior Court Of California,**  
**Sacramento**  
**08/25/2009**  
**avlaivavich**  
**By \_\_\_\_\_, Deputy**  
**Case Number:**  
**34-2009-80000305**

) Case No.

) VERIFIED PETITION FOR PEREMPTORY  
) WRIT OF MANDATE; COMPLAINT FOR  
) INJUNCTIVE RELIEF AND  
) DECLARATORY RELIEF

) (Elec. Code § 13314; CCP §§ 1085, 1086, 526  
) and 1060)

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1. Petitioners seek a Writ of Mandate and Injunctive Relief to prevent the Secretary of State from taking any action, including the expenditure of public funds, to place on the ballot a Legislative measure that would impose a \$700 tax on individual lobbyists, lobbying firms, lobbyist employers and lobbying coalitions. (Petitioners' Request for Judicial Notice, Ex. A.) The lobby tax is a clear violation of Petitioners' rights protected by the California and United States Constitutions, and should not be submitted to the voters for their consideration at the June 8, 2010 statewide primary election.

## 9

2. Superior Court of Sacramento County has jurisdiction over this matter and is the proper venue pursuant to section 13314(b) of the Elections Code and sections 1085, 1086, 526, and 1060 of the Code of Civil Procedure and has jurisdiction over all of the parties in this case.

## 3

3. Petitioner INSTITUTE OF GOVERNMENTAL ADVOCATES (“IGA”) is a voluntary, non-partisan association representing professional lobbyists and lobbying firms active in California. IGA’s primary mission is to protect and defend the constitutional rights of lobbyists to advocate on their behalf before California’s Legislature, the Governor’s Office, the Secretary of State’s office, and other agencies that regulate lobbying. IGA members include both in-house and contract lobbyists representing a broad spectrum of businesses, trade associations, labor organizations, nonprofits and local government agencies. Should the voters ratify AB 583, most if not all of Petitioner IGA’s members would be subject to the unconstitutional tax on lobbying.

4. Petitioner JERICO: A VOICE FOR JUSTICE (“JERICO”) is a registered lobbyist employer in the State of California. JERICO is the only statewide, interfaith, nonpartisan, grassroots public policy organization in California founded specifically to educate and advocate on behalf of low-income individuals and families. In the 2007-2008 legislative session, JERICO reported lobbying expenditures in the amount of \$7,626. (Petitioners’ Request

1 for Judicial Notice, Ex. B.) Should the voters ratify AB 583, Petitioner JERICO would be  
2 subject to the flat tax created by the legislation, totaling \$700 every two years.

3 5. Petitioner LAW OFFICES OF TIMOTHY YARYAN is a registered lobbying firm  
4 in the State of California. LAW OFFICES OF TIMOTHY YARYAN employs one lobbyist,  
5 Petitioner TIMOTHY YARYAN (collectively "YARYAN"). During the 2007-2008 legislative  
6 cycle, YARYAN had nine clients, including Petitioner LOS ANGELES POLICE PROTECTIVE  
7 LEAGUE. In the 2007-2008 legislative session, Petitioner YARYAN reported lobbying  
8 payments received in the amount of \$807,484.49. (Petitioners' Request for Judicial Notice, Ex.  
9 C.) Should the voters ratify AB 583, Petitioners LAW OFFICES OF TIMOTHY YARYAN and  
10 TIMOTHY YARYAN would each be subject to the flat tax created by the legislation, totaling  
11 \$1,400 for the firm and its one employed lobbyist every two years.

12 6. Petitioner LOS ANGELES POLICE PROTECTIVE LEAGUE ("LAPPL") is a  
13 registered lobbyist employer in the State of California, and a client of Petitioner LAW OFFICES  
14 OF TIMOTHY YARYAN. Petitioner LAPPL is a public employee organization representing  
15 nearly 10,000 police officers in the City of Los Angeles. In the 2007-2008 legislative session,  
16 LAPPL reported lobbying expenditures in the amount of \$146,245.12. (Petitioners' Request for  
17 Judicial Notice, Ex. D.) Should the voters ratify AB 583, Petitioner LAPPL would be subject to  
18 the flat tax created by the legislation, totaling \$700 every two years.

19 7. Petitioner CALIFORNIA PROFESSIONAL FIREFIGHTERS ("CPF") is a  
20 registered lobbyist employer in the State of California. CPF is a public employee organization  
21 representing over 30,000 firefighters and paramedics in the State of California. In the 2007-2008  
22 legislative session, Petitioner CPF reported lobbying expenditures in the amount of  
23 \$1,321,660.26. (Petitioners' Request for Judicial Notice, Ex. E.) Should the voters ratify AB  
24 583, Petitioner CPF would be subject to the flat tax created by the legislation, totaling \$700 every  
25 two years.

26 8. Respondent DEBRA BOWEN is the California Secretary of State. She is sued in  
27 her official capacity only. The California Secretary of State is charged with the placement of  
28 measures on the ballot proposed by the California State Legislature. (California Elections Code

1 §§ 9040 et seq.) Section 7 of AB 583 requires the California Secretary of State to place the  
2 proposed legislation on the June 8, 2010 California statewide primary ballot for approval by the  
3 voters.

## 4 **FACTS COMMON TO ALL CAUSES OF ACTION**

### 5 *The Political Reform Act*

6 9. The Political Reform Act (California Government Code sections 81000 et seq.;  
7 hereinafter “PRA”) was a ballot initiative approved by California voters in 1974. Over the last  
8 three decades, it has been substantively amended by the Legislature and the voters on several  
9 occasions. The PRA regulates campaign financing and spending, financial conflicts of interest,  
10 lobbyist registration and reporting, post-governmental employment, and gifts and honoraria given  
11 to public officials and candidates.

12 10. The lobbying provisions of the PRA apply solely to lobbying activities directed at  
13 elective state officials, state agency officials, or state legislative officials.

14 11. Among the specific purposes of the PRA is to regulate the activities of lobbyists  
15 and to require that “their finances are disclosed in order that improper influences will not be  
16 directed at public officials.” (Gov. Code § 81002(b).) The PRA accomplishes these purposes by  
17 requiring that those engaged in lobbying activities register and file quarterly reports disclosing  
18 expenditures related to lobbying activities. (Gov. Code §§ 86100 et seq.)

19 12. Registration and quarterly reports are filed with the Secretary of State, and the  
20 Secretary of State receives registration fees, certifies qualification of lobbyists, and imposes  
21 penalties on filers for the filing of late reports. (See, e.g., Gov. Code §§ 86100, 86113, 86114,  
22 86116, 86118, 91013.)

23 13. The PRA defines five categories of lobbying participants subject to its registration  
24 and reporting requirements:

25 (1) A “lobbyist” is “any individual who receives two thousand dollars (\$2,000) or more in  
26 a calendar month, or whose principal duties as an employee are, to communicate directly  
27 or through his or her agents with any elective state official, agency official, or legislative  
28 official for the purpose of influencing legislative or administrative action.” (Gov. Code §

1 82039(a).) Thus, there are two types of lobbyists, a contract lobbyist (i.e. a lobbying firm  
2 hired by a lobbyist employer) and an “in house” employee lobbyist. (2 Cal. Code of Regs.  
3 § 18239.)

4 (2) A “lobbying firm” is any business entity, including a sole-proprietorship, which  
5 receives compensation for the purpose of influencing legislative or administrative action  
6 on behalf of any other person or entity. (Gov. Code § 82038.5; 2 Cal. Code of Regs. §  
7 18238.5.)

8 (3) A “lobbyist employer” is any person, other than a lobbying firm, who employs one or  
9 more lobbyists or contracts for the services of a lobbying firm, for economic consideration  
10 for the purpose of influencing legislative or administrative action. (Cal. Gov. Code §  
11 82039.5; 2 Cal. Code of Regs. § 18239.5.)

12 (4) A “lobbying coalition” is a specific type of lobbyist employer defined solely in  
13 regulations promulgated by the Fair Political Practices Commission (hereinafter “FPPC”),  
14 the state agency that interprets and enforces the PRA. The FPPC defines “lobbying  
15 coalition” as “a group of ten or more persons formed primarily to influence legislative or  
16 administrative action, whose members make payments to the coalition for the purpose of  
17 sharing the expenses of employing a lobbyist or contracting for the services of a lobbying  
18 firm.” (2 Cal. Code. Regs. 18616.4(a). )

19 (5) A “\$5,000 filer” is any person, other than a lobbyist employer, who directly or  
20 indirectly makes payments to influence legislative or administrative action of five  
21 thousand dollars (\$5,000) or more in value in any calendar quarter.” (Gov. Code §  
22 86115(b).)

23 14. According to public records on Respondent’s website, in the 2007-2008 legislative  
24 session, 1,239 individuals were registered as lobbyists, 383 lobbying firms were registered, 3,153  
25 lobbyist employers and lobbying coalitions were registered, and 84 persons reported as a \$5,000  
26 filer. (Petitioners’ Request for Judicial Notice, Ex. F.)

27 15. Currently, the PRA provides that a fee of \$25 shall be charged to lobbying firms  
28 and lobbyist employers for every lobbyist registered. (Gov. Code § 86102.) This fee is used to

1 offset the governmental cost of administration of the registration and reporting requirements of  
2 the PRA. (Gov. Code § 12176.) No fee is charged for the registration of a lobbying firm,  
3 lobbyist employer, lobbying coalition, or \$5,000 filer.

4 16. In 1998, voters amended the PRA by enacting Proposition 73. Among its  
5 provisions is a ban on public financing of political campaigns. (Gov. Code § 85300.) AB 583  
6 would repeal this ban. (AB 583, § 2.)

7 17. In 2000, voters again amended the PRA by enacting Proposition 34. Among its  
8 provisions was a ban on personal campaign contributions from lobbyists to candidates and  
9 officeholders for which they are registered to lobby. (Gov. Code § 85702.) This ban currently  
10 prohibits a lobbyist that is registered to lobby the Respondent's office from making a personal  
11 contribution to the Respondent's campaign or any other candidate running for the office of  
12 Secretary of State.

### 13 *AB 583*

14 18. The California State Legislature presumably enacted AB 583 in 2008 under the  
15 Legislature's power to propose amendments to the PRA. (Cal. Const. Art. 2, § 10(c); Gov. Code  
16 § 81012.)

17 19. AB 583 was passed by the Senate on August 29, 2008 by a vote of 21 (53%) in  
18 favor and 18 against. (Petitioners' Request for Judicial Notice, Ex. G.) AB 583 was passed by  
19 the Assembly on August 30, 2008 by a vote of 42 (53%) in favor and 32 against. (Petitioners'  
20 Request for Judicial Notice, Ex. G.)

21 20. AB 583 proposed a new program for public financing of campaigns for the office  
22 of Secretary of State. Sections 2 through 6 of AB 583 describes the operation of the public  
23 financing system.

24 21. Funds needed to pay for the new program would principally come from a lobbying  
25 tax and a voluntary income tax check-off paid by individual taxpayers. Section 1 of AB 583  
26 enacted the lobbying tax and reads in full:

27 SECTION 1. Chapter 7 (commencing with Section 20600) is added to Division 20  
28 of the Elections Code, to read:

1 CHAPTER 7. FAIR ELECTIONS FUND

2 20600. (a) Each lobbying firm, as defined by Section 82038.5 of the Government  
3 Code, each lobbyist, as defined by Section 82039 of the Government Code, and  
4 each lobbyist employer, as defined by Section 82039.5 of the Government Code,  
5 shall pay the Secretary of State a nonrefundable fee of seven hundred dollars  
6 (\$700) every two years. Twenty-five dollars (\$25) of each fee from each lobbyist  
7 shall be deposited in the General Fund and used, when appropriated, for the  
8 purposes of Article 1 (commencing with Section 86100) of Chapter 6 of Title 9 of  
the Government Code. The remaining amount of each fee shall be deposited in the  
Fair Elections Fund established pursuant to Section 91133 of the Government  
Code. The fees in this section may be paid in even-numbered years when  
registrations are renewed pursuant to Section 86106 of the Government Code.  
(b) The Secretary of State shall biennially adjust the amount of the fees collected pursuant  
to this section to reflect any increase or decrease in the Consumer Price Index.

9 22. Because some of the proposal conflicts with the current ban on public financing in  
10 the PRA, and amends other provisions of campaign finance law, it must be approved by the  
11 voters. However, the tax portion of AB 583 (section 1 adding section 20600 to the Elections  
12 Code) is not an amendment to the PRA.

13 23. Section 7 of AB 583 reads in pertinent part:

14 SEC. 7. (a) The Secretary of State shall, pursuant to subdivision (b) of Section  
15 81012 of the Government Code, submit Sections 1, 2, 3, 4, 5, 6, and 8 of this act  
16 for approval by the voters at the June 8, 2010, statewide primary election,  
notwithstanding Section 9040 of the Elections Code.

17 24. If AB 583 is approved by the voters, the lobby tax would be imposed, beginning  
18 the day after the election, on persons newly registering as a lobbyist, lobbyist employer, lobbying  
19 firm, or lobbying coalition, and all such persons and entities upon renewal of their registrations  
20 for the biennial session of the Legislature for 2011-12, which will begin in December 2010.

21 25. AB 583 violates Petitioners' rights protected by Article I, section 2(a) of the  
22 California Constitution, which provides:

23 Every person may freely speak, write and publish his or her sentiments on all subjects,  
24 being responsible for the abuse of this right. A law may not restrain or abridge liberty of  
speech or press.

25 26. AB 583 violates Petitioners' rights protected by Article I, section 3(a) of the  
26 California Constitution, which recognizes the right to petition as separate and distinct from the  
27 right to free speech:

28 The people have the right to instruct their representatives, petition government for redress  
of grievances, and assemble freely to consult for the common good.

27. AB 583 violates Petitioners' rights protected by the First Amendment to the United States Constitution, which reads in pertinent part as follows:

Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

28. The AB 583 lobby tax constitutes a significant interference with Petitioners' exercise of their fundamental constitutional rights.

29. The AB 583 lobby tax is not justified by a sufficiently important state interest. The only state interest asserted is to raise revenue.

30. The AB 583 lobby tax arbitrarily and unnecessarily curtails Petitioners' exercise of their fundamental constitutional rights.

31. As a discriminatory tax that singles out those engaged in lobbying activities, AB 583 violates Petitioners' equal protection rights set forth in the California and United States Constitutions.

32. The enactment of AB 583 violates Section 3 of Article VIII A of the California Constitution, which requires that taxes be approved by at least 2/3 of the members of the Legislature. AB 583 was approved by a vote of 53% in both houses.

33. Section 1 of AB 583 is not an amendment of the PRA or any other initiative measure and thus the Legislature has no legal authority to submit that provision to the voters for approval.

### FIRST CAUSE OF ACTION

**(Writ of Mandate: Elec. Code § 13314 and CCP § 1085)**

34. Paragraphs 1 through 33 are incorporated herein as if set forth in this First Cause of Action.

35. Elections Code section 13314 provides that “[a]ny elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of any name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.” (Elec. Code § 13314(a)(1).)

36. The Elections Code further provides that “[a] peremptory writ of mandate shall



1 issue only upon proof of both of the following: (A) that the error, omission, or neglect is in  
2 violation of this code or the Constitution, and (B) that issuance of the writ will not substantially  
3 interfere with the conduct of the election.” (Elec. Code § 13314(a)(2).)

4 37. A writ of mandate may be issued pursuant to Code of Civil Procedure section 1085  
5 to any person to compel the performance of an act which the law specifically enjoins. An  
6 official’s duty to perform a mandatory ministerial duty in accordance with the law embodies a  
7 corollary duty to not perform the duty in violation of the law. The performance of a mandatory  
8 ministerial duty may not violate the constitution. (*Planned Parenthood Affiliates v. Van de Kamp*  
9 (1986) 181 Cal.App.3d 245, 262-263.)

10 38. If not otherwise directed by this Court’s issuance of the requested writ of mandate,  
11 Respondent DEBRA BOWEN will submit the AB 583 lobby tax to the voters at the June 8, 2010  
12 statewide primary election, which would violate the constitutional rights of Petitioners. Issuance  
13 of the writ is therefore necessary to prevent the violation of the constitutional rights of Petitioners.

14 39. Issuance of a writ in this case will not in any way interfere with the conduct of the  
15 June 8, 2010 statewide primary election. Further, the Legislature has time to consider and enact  
16 an alternative financing scheme if it desires. The Legislature has until January 28, 2010 under  
17 Section 9040 of the Elections Code to submit measures for the June 8, 2010 ballot (at least 131  
18 days prior to the election); however, the Legislature routinely suspends this provision and  
19 schedules elections to be held on shorter notice. Most recently, the Legislature approved  
20 Propositions 1A through 1F only 90 days prior to the selected election date of May 19, 2009.  
21 (Petitioners’ Request for Judicial Notice, Ex. H.) The Secretary of State will be sending the ballot  
22 materials to the State Printer on or around March 15, 2010. (Petitioners’ Request for Judicial  
23 Notice, Ex. I.) The deadline to place the measure on the November 2, 2010 ballot is June 24,  
24 2010.

25 40. This is the perfect case in which to undertake pre-election review and to remove a  
26 clearly invalid measure from the ballot. Because AB 583 was placed on the ballot by the  
27 Legislature and not by a citizen petition, this Court is not being asked to impugn the fundamental  
28 right of the people to propose initiatives. Further, the June 8, 2010 statewide primary election is

1 not “imminent” and this Court has an ample opportunity for briefing, argument, deliberation, and  
2 the preparation and filing of an opinion prior to the June 8, 2010 election.

3 41. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of  
4 law in that no damages or other legal remedy could compensate them for the harm that they will  
5 suffer if Respondent DEBRA BOWEN submits the AB 583 lobby tax to the voters. If AB 583 is  
6 allowed to appear on the June 8, 2010 ballot, Petitioners will be faced with having to spend  
7 millions of dollars collectively to oppose its adoption by voters. Further, if AB 583 is adopted by  
8 the voters at the June 8, 2010 statewide primary election, Petitioners may not seek an injunction  
9 against the enforcement of the lobby tax, and must therefore either pay the tax in order to exercise  
10 their fundamental rights, or cease to exercise their fundamental rights until the constitutionality of  
11 the AB 583 tax is reviewed by the courts. (Cal. Const., Art. XIII, § 32.) This is an unreasonable  
12 burden on Petitioners’ exercise of their constitutionally protected free speech and petition rights.

### 13 **SECOND CAUSE OF ACTION**

#### 14 **(Injunctive Relief: CCP § 526)**

15 42. Paragraphs 1 through 41 are incorporated as if set forth in this Second Cause of  
16 Action.

17 43. In the absence of this Court’s injunction, Respondent DEBRA BOWEN will  
18 submit the unconstitutional AB 583 lobby tax to the voters at the June 8, 2010 statewide primary  
19 election.

20 44. Because the AB 583 lobby tax is unconstitutional, Petitioners are entitled to  
21 preliminary and permanent injunctive relief enjoining Respondent DEBRA BOWEN from  
22 submitting AB 583 to the voters. Petitioners have no plain, speedy, and adequate remedy in the  
23 ordinary course of law in that no damages or other legal remedy can adequately compensate them  
24 for the irreparable harm that they will suffer from the denial of their constitutional rights.

### 25 **THIRD CAUSE OF ACTION**

#### 26 **(Declaratory Relief: CCP § 1060, Declaring AB 583 Unconstitutional)**

27 45. Paragraphs 1 through 44 are incorporated as if set forth in this Third Cause of  
28 Action.

46. An actual controversy has arisen and now exists between Petitioners and Respondent concerning the validity of the AB 583 lobby tax and the Petitioners' rights with respect thereto. Petitioners contend that the AB 583 lobby tax is unconstitutional and violates their constitutional rights to free speech and petition. Petitioners are informed and believe, and on that basis allege, that Respondent contends otherwise. A judicial determination and declaration as to the legality and validity of the AB 583 lobby tax is therefore necessary and appropriate.

## PRAAYER

WHEREFORE, Petitioners pray for relief as follows:

1. For a peremptory writ of mandate issued under seal of this Court prohibiting Respondent DEBRA BOWEN, in her capacity as Secretary of State of the State of California, from taking any action to place the AB 583 lobby tax on the June 8, 2010 statewide primary election ballot;

2. That this Court issue preliminary and permanent injunctions enjoining and restraining Respondent DEBRA BOWEN from taking any action to place the AB 583 lobby tax on the June 8, 2010 statewide primary election ballot;

3. For a declaration that the AB 583 lobby tax is void, illegal and unconstitutional because it violates the constitutional rights of Petitioners to exercise their free speech and petition rights;

4. For an award of attorneys' fees and costs;

5. And for such other legal or equitable relief as the Court deems just and proper.

Dated: August <sup>25</sup>, 2009

Respectfully submitted,

BELL, McANDREWS & HILTACK, LLP

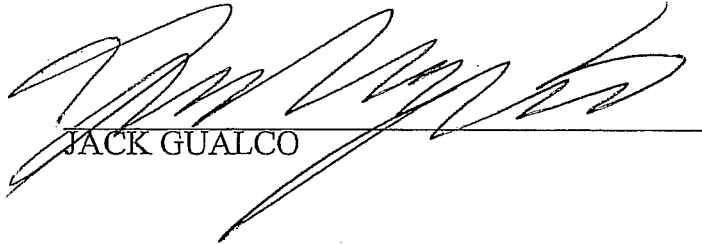
By 7/21/16  
THOMAS W. HILTACHK  
CHARLES H. BELL, JR.  
ASHLEE N. TITUS

*Attorney for Petitioners* INSTITUTE OF  
GOVERNMENTAL ADVOCATES, JERICHO: A VOICE  
FOR JUSTICE, LAW OFFICES OF TIMOTHY YARYAN,  
TIMOTHY YARYAN, LOS ANGELES POLICE  
PROTECTIVE LEAGUE, and CALIFORNIA  
PROFESSIONAL FIREFIGHTERS

VERIFICATION


I, JACK GUALCO, am the President of Petitioner, INSTITUTE OF  
GOVERNMENTAL ADVOCATES, herein. I have read this Verified Petition for Writ of  
Mandate and have personal knowledge of the contents stated therein and would, under the  
penalty of perjury, declare that the Verified Petition for Writ of Mandate is true and  
accurate.

Executed this 17 day of August, 2009 in Sacramento, California.

  
\_\_\_\_\_  
JACK GUALCO

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Executed this 19<sup>th</sup> day of August, 2009 in Sacramento, California.

  
JUDITH LARSON

VERIFICATION

I, TIMOTHY YARYAN, am a Petitioner in my individual capacity and as the principal of the LAW OFFICES OF TIMOTHY YARYAN. I have read this Verified Petition for Writ of Mandate and have personal knowledge of the contents stated therein and would, under the penalty of perjury, declare that the Verified Petition for Writ of Mandate is true and accurate.


Executed this 20<sup>th</sup> day of August, 2009 in Sacramento, California.

  
TIMOTHY YARYAN

VERIFICATION

I, LOU PAULSON, am the President of Petitioner, CALIFORNIA  
PROFESSIONAL FIREFIGHTERS, herein. I have read this Verified Petition for Writ of  
Mandate and have personal knowledge of the contents stated therein and would, under the  
penalty of perjury, declare that the Verified Petition for Writ of Mandate is true and  
accurate.

Executed this \_\_\_\_ day of August, 2009 in Sacramento, California.

  
\_\_\_\_\_  
LOU PAULSON

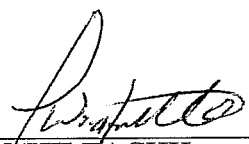
VERIFICATION

I, THOMAS W. HILTACHK, declare that I am the attorney for Petitioner, LOS ANGELES POLICE PROTECTIVE LEAGUE; that Petitioner is currently out of the county in which my office is located and in which this action is filed or is currently unavailable to sign this verification; that I make this declaration on his behalf.

I have read the foregoing Verified Petition for Writ of Mandate.

The foregoing is true and correct and of my personal knowledge. If called as a witness, I could and would testify competently thereto.

Executed under penalty of perjury under the laws of the State of California this 28<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
THOMAS W. HILTACHK