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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
THE DISTRICT OF OREGON

SANDY L. HENDERSON, ANNA
MARGARET WICKER, JANE GRAY, and
CARMELLE L. HARTIN,

CV 74-538

MOTION AND PETITION FOR
DECLARATORY RELIEF

Plaintiffs,

v.

THE STATE OF OREGON BY AND
THROUGH THE BUREAU OF LABOR
AND THE BOARD OF HIGHER
EDUCATION; NORMAN O. NILSEN,
COMMISSIONER OF LABOR; DR. ROY
LIEUALLEN, CHANCELLOR OF THE
BOARD OF HIGHER EDUCATION; THE
PUBLIC EMPLOYEES RETIREMENT
SYSTEM; and JOSEPH J. ADAMS, HUGH
McKINELY, CHALMERS L. JONES,
ROGER S. MEIER and EDWIN H.
ARMSTRONG, in their capacity as members
of the PUBLIC EMPLOYEES RETIREMENT
BOARD,

Defendants.

Pursuant to Local Rule 7.1 of the US District Court for the District of Oregon,
counsel for Movants certifies that counsel for the parties have made a good faith effort through

MOTION AND PETITION FOR DECLARATORY RELIEF

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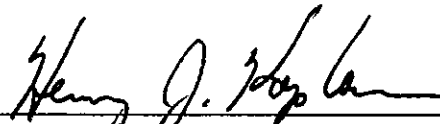
telephone conferences to resolve this dispute and have been unable to do so.

Pursuant to Fed. R. Civ. P. 71, Sawalak Ebner, Richard Mullins, Janice Pitts, Jane Poe, Eileen Shaffer, and Aimee Yogi, current members of the Oregon Public Employees Retirement System ("PERS") and nonparty beneficiaries of the permanent injunction issued by the Court in the above-captioned action on September 20, 1978, move the Court for an order declaring their rights under the stipulated judgment and permanent injunction issued by the Court in the above-captioned action, and determining whether defendants are in violation of that injunction.

Movants further request that the Court issue a declaration that the September 20, 1978 injunction requires the PERS Board to adopt and use refund annuity tables which grant benefits not less than those benefits which were in effect for male members of the PERS system on July 1, 1978.

In support of their motion, movants rely upon their affidavits filed herewith and the exhibits and memoranda already included in the record of the proceedings of a recent Motion for an Order to Show Cause, and filed April 12, 2004 by Eileen Shaffer, Tim Woolery, Richard Mullins, Jerry Trierweiller, Gina Santacroce, and Jacqueline Davais, which are already part of the record of this case. A memorandum of law will follow.

Dated this 16 day of September, 2004.



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