

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MICHAEL ARKEN, DALE CANNON,
ROBYN CARRICO, CAROL YOUNG, JOHN
HAWKINS, LESLIE HUNTER, RICK
MULLINS, S.M. RUONALA, PATRICIA
THOMPSON WESTOVER, and MYRNA
WILLIAMS,

Plaintiffs,

v.

CITY OF PORTLAND, WESTERN OREGON
UNIVERSITY, PORTLAND SCHOOL
DISTRICT, CITY OF GRESHAM, LINN
COUNTY, UNIVERSITY OF OREGON,
PORTLAND COMMUNITY COLLEGE,
MULTNOMAH COUNTY, CENTRAL
SCHOOL DISTRICT 13J, FOREST GROVE
SCHOOL DISTRICT #15, and the PUBLIC
EMPLOYEES RETIREMENT BOARD,

Defendants.

STATE OF OREGON

COUNTY OF BENTON

Case No. 0601-00536

**AFFIDAVIT OF JOHN HAWKINS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT**

I, John Hawkins, being first duly sworn, depose and say that:

1. I am a plaintiff in this action, am a resident of Benton County, Oregon, and make this affidavit in support of plaintiffs' motion for summary judgment.

2. I was employed by Linn County, was a Tier One member of PERS, a member of the SEIU, and retired on February 1, 2003.

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3. I have not received a COLA from PERS for the years 2003, 2004, and 2005.

4. On or about March 8, 2006, PERS mailed me a copy of its order of January 27, 2006, outlining its intent to proceed with additional reductions in my pension benefits in an attempt to recoup alleged overpayment of 1999 earnings.

5. Attached as **EXHIBIT 1** to this affidavit and incorporated herein is a true and exact copy of my Statement of Entitlement from PERS.

Dated this ___ day of April, 2006.

John Hawkins

SUBSCRIBED AND SWORN TO before me this ___ day of _____, _____.

Notary Public for Oregon
My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **AFFIDAVIT OF JOHN**

HAWKINS IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

upon the following persons at the following addresses:

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University of Oregon

by the following indicated method or methods:

- by **mailing** a copy thereof in a sealed, first-class postage-paid envelope, addressed to the attorney(s) listed above, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- by **hand delivering** a copy thereof to the attorney(s) listed above, on the date set forth below.
- by **sending via overnight courier** a copy thereof in a sealed, postage-paid envelope, addressed to the attorney(s) listed above, on the date set forth below.
- by **faxing** a copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

Dated this ___ day of April, 2006.

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Of Attorneys for Plaintiffs