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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,

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.

CV 74-538

AFFIDAVIT OF JAMES P.
TRIERWEILER

STATE OF OREGON)
) ss.
County of Klamath)

I, James P. Trierweiler, being duly sworn, depose and say that:

1. I have been a member of the Oregon Public Employee Retirement System (“PERS”) since 2000 and intend to retire at age 55 in 2023. As a member of PERS since 2000, I am a non-party beneficiary of the stipulated judgment and permanent injunction issued by the court in favor of the plaintiffs in the above-captioned action.

2. Current PERS Board members James Dalton, Eva Kripalani, Michael Pittman, Thomas Grimsley, and Brenda Rocklin are successors of the PERS Board members who were defendants in the above-captioned action.

3. On September 20, 1978, the Honorable Gus J. Solomon entered a stipulated judgment in the above-captioned action, permanently enjoining the PERS Board from using life expectancy tables to calculate refund annuity allowances for females which were not identical to the tables used, prior to July 1, 1978, to calculate the refund annuity allowances for males of the same age and amount of contributions. In response to that decree, the 1978 PERS Board adopted a uniform set of actuarial tables for all participants, based on the existing tables for male members of the system.

4. On June 10, 2003, the PERS Board, contrary to and in violation of that stipulated judgment and permanent injunction, adopted life expectancy tables to calculate refund annuity allowances for members which are *not* “identical to the ‘refund annuity’ retirement allowance for

males of the same age and amount of contributions received prior to [July 1, 1978].”³ The newly adopted tables were implemented July 1, 2003.

5. As a result of the implementation of the new life expectancy tables, my total benefits upon retirement will be substantially *lower* than they would have been had the PERS Board complied with the stipulated judgment and permanent injunction issued by the court in the above-captioned action. Specifically, the refund annuity portion of my benefits will decrease below the level that would result from application of the pre-July 1, 1978 tables.

6. No previous application has been made for the order or relief sought in this proceeding.

Plaintiff requests:

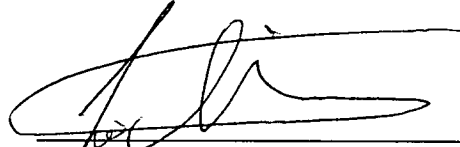
1. An order requiring James Dalton, Eva Kripalani, Michael Pittman, Thomas Grimsley, and Brenda Rocklin, to show cause why they should not be held in contempt because of the above-mentioned violations of the judgment and injunction;

2. An order compelling the PERS Board to use life expectancy tables which comply with the judgment and permanent injunction issued in the above-captioned action; and

³ Quoted language is from Judge Solomon’s September 20, 1978 Judgment.

3. Such other and further relief as the court may deem proper.

DATED this 28th day of September, 2003.



James P. Trierweiler

SUBSCRIBED AND SWORN TO before me this 28th day of September, 2003



Notary Public for Oregon
My Commission Expires:

