

1 formula that produced the highest benefit amount at retirement. PERB also represented that I
2 would be entitled to an annual Cost of Living Adjustment (COLA) of up to 2 percent per year
3 after retirement.

4 3. At the time I was pursuing retirement, PERB also made representations to me
5 that I would receive pension benefits based upon the value of my PERS account at my date of
6 retirement.

7 4. At my date of retirement, the value of my PERS account included 20 percent
8 earnings for the calendar year 1999. Attached as **EXHIBIT 1** to this affidavit and
9 incorporated herein is a true and exact copy of my Statement of Entitlement from PERS
10 including the value of my PERS account at retirement.

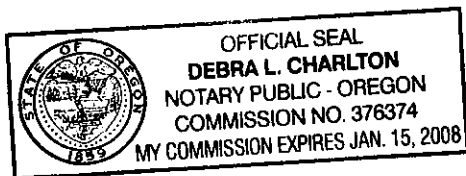
11 5. In making my decision to retire from Western Oregon University, I relied upon
12 the representations made by PERB. Had I known that my retirement allowance would not
13 include 20 percent earnings for the calendar year 1999, I would have factored that into my
14 decision about whether or not to continue my PERS covered employment.

15 Dated this 21st day of August, 2006.

16
17 
18 _____
19 DALE CANNON

18 *state of Oregon*
19 *County of Polk*

20 SUBSCRIBED AND SWORN TO before me this 21 day of August, 2006



Debra L. Charlton

Notary Public for Oregon
My Commission Expires: *Jan 15, 2008*

NOTICE OF ENTITLEMENT

CANNON DALE W
 287 N WARREN ST
 MONMOUTH OR 97361-0000

Date: 02/13/2003

Soc. Sec. No.:

PERS No.: 306831

Your retirement benefit has been calculated and your first check(s) will be sent on FEB 14, 2003. If you decide to change your option, your written request must be received in a PERS office within 60 days after the date of your first check(s). Please refer to your Soc. Sec. No. and PERS Benefit No. if you write or telephone our office.

YOUR BENEFIT OPTION: OPTION 2A ANNTY		GROSS AMOUNTS UNDER ALL OPTIONS	
Gross Amount:	\$3,220.50	Refund Annuity:	\$3,524.82
OREGON TAX W/H:	\$224.05	Option 1 (non-refund):	\$3,659.66
Insurance Premium:		15 Year Certain:	\$3,273.77
Federal Tax Withholding:	\$487.67	Option 2:	\$3,293.69
Net Amount:	\$2,508.78	Option 2A:	\$3,220.50
Employee Contributions (for tax purposes):	\$794.34	Option 3:	\$3,476.69
NON-TAXABLE:	\$2.21	Option 3A:	\$3,440.08
Effective Retirement Date:	01/01/2003	Lump Sum Option 1:	\$1,829.83
Best Calculation Method:	MONEY MATCH	Lump Sum Option 2:	\$1,646.84
		Lump Sum Option 2A:	\$1,610.25
		Lump Sum Option 3:	\$1,738.34
		Lump Sum Option 3A:	\$1,720.04

INFORMATION USED	
If you purchased additional service credit, it is included in the information listed below.	
Current Service: 18 years 6 months	Account Balance: \$193,499.28
Prior Service: 0 years	High 3 years salaries:
Sick Leave Hours: 0	Year: 1995 Amount: \$47,076.72
Beneficiary: JEANNE R CANNON	1994 \$46,665.48
Birthdates: Member: 03/22/1942	1992 \$42,702.11
Beneficiary: 09/13/1944	Last 36 months salary: \$141,458.32

You have the right to contest the information used to calculate your retirement benefits. If you choose to do so, you must submit a signed letter detailing the specific item(s) you are contesting. Your signed letter must be received by PERS within 240 days after the date of this notice.

1 CERTIFICATE OF SERVICE

2 I hereby certify that I served the foregoing **AFFIDAVIT OF DALE CANNON**

3 **IN OPPOSITION TO DEFENDANTS' CROSS-MOTION FOR SUMMARY**

4 **JUDGMENT** upon the following persons at the following addresses:

5 Joseph M. Malkin/Emily R. Epstein
6 Orrick, Herrington & Sutcliffe LLP
7 Old Reserve Bank Bldg, 405 Howard St.
8 San Francisco, CA 94105-2669
9 FAX: 1 (415) 773-5759
10 E-Mail: jmalkin@orrick.com
11 Of Attorneys for Defendant Public
12 Employees Retirement Board

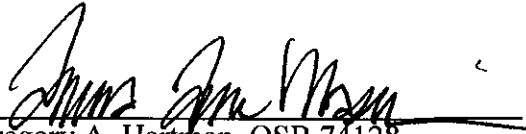
William F. Gary
Harrang Long Gary et al
360 E. 10th Avenue, Suite 300
Eugene, OR 97401
FAX: 1 (541) 686-6564
Email: william.f.gary@harrang.com
Of Attorneys for Local Jurisdiction
Defendants

9 Steve Walters
10 Stoel Rives LLP
11 900 SW 5th, Suite 2600
12 Portland, OR 97204
13 FAX: 1 (503) 220-2480
14 E-Mail: sswalters@stoel.com
15 Of Attorneys for State Defendants
16 Western Oregon University and
17 University of Oregon

18 by the following indicated method or methods:

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

21 Dated this 14th day of September, 2006.

22
23 
24 Gregory A. Hartman, OSB 74128
25 hartmang@bennethartman.com
26 Aruna A. Masih, OSB 97324
masiha@bennethartman.com
Of Attorneys for Plaintiffs