

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

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,

Case No. 0601-00536

Plaintiffs,

v.

**AFFIDAVIT OF MYRNA
WILLIAMS IN OPPOSITION TO
DEFENDANTS' CROSS-MOTION
FOR SUMMARY JUDGMENT**

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)
)ss
COUNTY OF WASHINGTON)

I, Myrna Williams, being first duly sworn, depose and say that:

1. I am a plaintiff in this action and make this affidavit in opposition to
defendants' cross-motion for summary judgment.

2. During the course of my employment, PERB made representations to me that
my pension benefits would be calculated under three, separate alternative formulas (Full
Formula, Money Match, and Pension Plus Annuity) and I would receive benefits based on the

26

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 Forest Grove School District #15, I relied
12 upon the representations made by PERB. Had I known that my retirement allowance would
13 not include 20 percent earnings for the calendar year 1999, I would have continued my PERS
14 covered employment.

15 Dated this 22nd day of August, 2006.

16
17 Myrna Williams
18 MYRNA WILLIAMS

19
20 SUBSCRIBED AND SWORN TO before me this 22 day of August, 2006.

21 Linda J. Crume
22 Notary Public for Oregon
23 My Commission Expires:
24 Nov. 23, 2009



11476 SW 98th Parkway, Tigard, OR
 Mailing Address - P.O. Box 23700, Tigard, OR 97223-3700 - Phone (503) 538-7377



NOTICE OF ENTITLEMENT

WILLIAMS MYRNA R
 3214 FOREST GALE DR
 FOREST GROVE OR 97116-0000

Date: 08/10/2000

Soc. Sec. No.:

PERS No.: 152862

Your retirement benefit has been calculated and your first check(s) will be sent on **AUG 09, 2000**. 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 benefit 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:	\$3,576.51	Refund Annuity:	\$3,779.59
OREGON TAX W/H:	\$248.74	Option 1 (non-refund):	\$3,930.24
Federal Tax Withholding:	\$412.99	15 Year Certain:	\$3,504.88
Net Amount:	\$2,914.78	Option 2:	\$3,655.12
Employee Contributions (for tax purposes):	\$16,089.87	Option 2A:	\$3,576.51
NON-TAXABLE:	\$51.90	Option 3:	\$3,773.04
		Option 3A:	\$3,733.74
Effective Retirement Date:	07/01/2000	Lump Sum Option 1:	\$1,965.13
Best Calculation Method:	MONEY MATCH	Lump Sum Option 2:	\$1,827.56
		Lump Sum Option 2A:	\$1,788.25
		Lump Sum Option 3:	\$1,886.51
		Lump Sum Option 3A:	\$1,866.87

INFORMATION USED

If you purchased additional service credit, it is included in the information listed below.

Current Service: 28 years 11 months	Account Balance:	\$203,187.66
Prior Service: 0 years	High 3 years salaries:	
Sick Leave Hours: 560	Year: 1999 Amount:	\$57,229.00
Beneficiary: KENNETH M WILLIAMS	1998	\$51,450.00
Birthdates: Member: 06/07/1939	1997	\$48,915.00
Beneficiary: 12/30/1934	Last 36 months salary:	\$171,534.64

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.

CERTIFICATE OF SERVICE

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

WILLIAMS IN OPPOSITION TO DEFENDANTS' CROSS-MOTION FOR

SUMMARY JUDGMENT upon the following persons at the following addresses:

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

Steve Walters
Stoel Rives LLP
900 SW 5th, Suite 2600
Portland, OR 97204
FAX: 1 (503) 220-2480
E-Mail: sswalters@stoel.com
Of Attorneys for State Defendants
Western Oregon University and
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 6th day of September, 2006.


Gregory A. Hartman, OSB 74128
hartmang@bennetthartman.com
Aruna A. Masih, OSB 97324
masiha@bennetthartman.com
Of Attorneys for Plaintiffs