

DEPARTMENT OF MULTNOMAH COUNTY
CLERK OF COURT
AUG - 7 2017
5415-260
PORTLAND, OREGON

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

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

12 Plaintiff,

13 v.

14 CITY OF PORTLAND, WESTERN
15 OREGON UNIVERSITY, PORTLAND
16 SCHOOL DISTRICT, CITY OF
17 GRESHAM, LINN COUNTY,
18 UNIVERSITY OF OREGON, PORTLAND
19 COMMUNITY COLLEGE,
20 MULTNOMAH COUNTY, CENTRAL
21 SCHOOL DISTRICT 13J, FOREST
22 GROVE SCHOOL DISTRICT #15, and the
23 PUBLIC EMPLOYEES RETIREMENT
24 BOARD,

25 Defendant.

No. 0601-00536

**STATE DEFENDANTS' RESPONSE
TO PLAINTIFFS' MOTION FOR
CLARIFICATION OF RULINGS ON
PREVIOUSLY FILED MOTIONS**

19 **I. ARGUMENT**


20 The State Defendants adopt and incorporate herein the Public Employee Retirement
21 Board's ("PERB") Response to Plaintiffs' Motion for Clarification of Ruling on Previously
22 Filed Motions and the City of Portland, Portland School District, City of Gresham, Linn
23 County, Portland Community College, Multnomah County Central School District 13J, and
24 Forest Grove School District #15's (the "Non-State Defendants") Response to Plaintiffs'
25 Motion for Clarification of Ruling on Previously Filed Motions. The State Defendants fully
26 concur in the reasoning and arguments presented by PERB and the Non-State Defendants

1 and believe that the interests of efficiency and judicial economy are best served by adopting
2 those briefs as their own rather than filing a separate brief addressing the same points and
3 requesting the same outcome.

4 **II. CONCLUSION**

5 For the foregoing reasons, as well as those in PERB's and the Non-State Defendants'
6 responses, the State Defendants respectfully request that the Court grant summary judgment
7 to defendants on plaintiffs' First, Third, and Fourth Claims for Relief.

8 DATED: August 6, 2006.

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10 _____
11 Jeremy D. Sacks, OSB No. 99426
12 Amy Edwards, OSB No. 01249

13 Attorneys for the State Defendants
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served the foregoing **STATE DEFENDANTS' RESPONSE**
3 **TO PLAINTIFFS' MOTION FOR CLARIFICATION OF RULINGS ON**
4 **PREVIOUSLY FILED MOTIONS** on the following named person(s) on the date indicated
5 below by

- 6 mailing with postage prepaid
7 hand delivery
8 facsimile transmission
9 overnight delivery


10 to said person(s) a true copy thereof, contained in a sealed envelope, addressed to said
11 person(s) at his or her last-known address(es) indicated below.

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18 DATED: August 6, 2007.

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