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AUG 0 1 2013

PORTLAND, OREGON

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IN THE SUPREME COURT OF THE STATE OF OREGON

Moro, et al.,
Petitioners,
v.
State of Oregon, et al.,
Respondents.
S061452 (Control)

Wayne Stanley Jones,
Petitioner,
v.
Public Employees Retirement Board, et al.
Respondents.
S061431

REPLY FROM PETITIONER, WAYNE STANLEY JONES, REQUESTING THE OPPORTUNITY TO FILE A REPLY TO THE RESPONSIVE PLEADINGS OF RESPONDENTS THAT HAVE BEEN DIRECTED BY THIS COURT, AND RESPONDING TO THIS COURT'S INQUIRY REGARDING THE APPOINTMENT OF A SPECIAL MASTER

1.

Wayne Stanley Jones, Petitioner, provides his response requesting the opportunity to file a Reply to the Responsive Pleadings of Respondents directed by this Court; and also provides his response to this Court's inquiry regarding the appointment of a Special Master for these consolidated cases.

2.
REQUEST FOR THE OPPORTUNITY TO FILE A REPLY TO RESPONDENTS' RESPONSIVE PLEADINGS

Although the full procedure for review by the Oregon Supreme Court was not fully provided for in SB 822 from the 2013 Oregon Legislative Assembly, Regular Session, this Court has directed Respondents to file responsive pleadings to the petitions that have been filed with this Court. Petitioner, Wayne Stanley Jones, concurs with this directive, which is consistent with the Oregon Rules of Civil Procedure, as it will provide a more robust record on which the Court may make its determination. Also consistent with the Oregon Rules of Civil Procedure, Rule 15A, Petitioner, Wayne Stanley Jones requests that he and other Petitioners be given at least 10 days after service of Respondents' responsive pleadings to file a Reply to those pleadings. The reason for Petitioners being given this opportunity to file a Reply is that Petitioners will be able to provide their perspective as to why, potentially, the Respondents' arguments in their responsive pleadings may be inconsistent with the law cited. It is especially important for the Oregon Supreme Court to have a robust and complete set of pleadings, inasmuch as there is no lower court record to review.

Although the Oregon Legislative Assembly failed to fully outline the procedure for this Court's review of these claims, equity and the law will best be served by having a robust and complete record, which includes not only the Respondents' responsive pleadings, but also the Petitioners' Reply to the Respondents' responsive pleadings. Petitioner, Wayne Stanley Jones hereby formally makes this request on behalf of himself and all Petitioners.

3.
SPECIAL MASTER

This Court requested that all parties to these proceedings should submit their positions on whether a special master is necessary in this case to hear evidence, develop a record, and prepare findings of fact.

Petitioner, Wayne Stanley Jones, responds that he does not believe a special master is necessary in this case. With regard to Petitioner Jones, this case hinges on this Court's interpretation of the law. There are no disputed facts. The facts in Petitioner Jones' case are simple and easily established. They are

contained in Petitioner Jones' Supporting Affidavit and the public record regarding the Oregon Legislative Assembly.
Petitioner is a former employee of the City of Portland Development Commission. This is a fact. Petitioner retired in 1998. This is a fact. Petitioner has moved to Utah. This is a fact. In 2013, the Oregon Legislative Assembly sought to change the retirement benefits to Petitioner Jones and others by decreasing the COLA and reducing the retirement benefit for Oregon retirees who had moved out of Oregon. This is a fact established by Oregon Senate Bill 822 from the 2013 Oregon Legislative Assembly.

Petitioner asserts his continued entitlement to his full contractual retirement benefit. This is a question of law as to:

- whether Senate Bill 822 is a violation of the Oregon and federal Contracts Clause as an unconstitutional impairment of the specific fixed rate retirement benefit that was contractually offered to Petitioner Jones in 1998, in conformance with Oregon retirement law, and which Petitioner Jones agreed to, and was accepted in 1998 by the Public Employees Retirement Board in a Notice of Entitlement that confirmed the terms of that contract; and
- whether the Oregon Legislative Assembly's reduction of the statutory COLA in a fully vested retirement benefit is an impairment of the statutory contract provided for between Petitioner Jones and the Public Employees Retirement Board; and further,
- whether the Oregon Legislative Assembly's action in S.B. 822 that reduces Petitioner Jones' contractual retirement benefit, simply because he currently lives outside the state of Oregon, is an unconstitutional abridgement of the privileges and immunities of Petitioner Jones, as a citizen of the United States, who has a constitutional right to travel and live where he wants.

Since resolution of these questions is solely a matter of law, Petitioner, Wayne Stanley Jones, asserts a special master is not necessary in this case.

4.
CERTIFICATE OF SERVICE

I certify that on July 30, 2013, I served a true copy of this REPLY FROM PETITIONER, WAYNE STANLEY JONES, REQUESTING THE OPPORTUNITY TO FILE A REPLY TO THE RESPONSIVE PLEADINGS OF RESPONDENTS THAT

HAVE BEEN DIRECTED BY THIS COURT, AND RESPONDING TO THIS COURT'S INQUIRY REGARDING THE APPOINTMENT OF A SPECIAL MASTER with:

Gregory A. Hartman
210 SW Morrison St.
Suite 500
Portland, OR 97204-3149

Public Employees Retirement Bd.
11410 SW 68th Parkway
PO Box 23700
Tigard, OR 97223

Ellen F. Rosenblum, Attorney General
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Governor John A. Kitzhaber
State Capitol Building
900 Court St. NE, Suite 254
Salem, OR 97301-4047

Supt. Ron Wilkinson
Bend School District
520 NW Wall Street
Bend, OR 97701

Fire Chief Mike Duyck
Tualatin Valley Fire & Rescue
Command & Business Operations Ctr.
11945 SW 70th Avenue
Tigard, OR 97223-9196

Supt. Nicole Albisu
Ontario School District
195 SW Third Avenue

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Linn County Courthouse
104 SW Fourth Avenue, Rm. 123
Albany, OR 97321

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City of Salem Legal Dept.
Rm. 205
555 Liberty Street SE
Salem, OR 97301

Supt. Larry Didway
Oregon City School District
1417 12th St., PO Box 2110
Oregon City, OR 97045

Supt. Jeff Rose
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16550 SW Merlo Road
Beaverton, OR 97006

Office of City Attorney
City of Portland
1221 SW 4th Avenue, Ste 430
Portland, OR 97204

Board Chair Mark Greene
Estacada School District
255 NE 6th Ave
Estacada, OR 97023

Supt. Bill Rhoades
West Linn School District
22210 SW Stafford Rd.

Ontario, OR 97914

Michael D. Reynolds
8012 Sunnyside Ave N
Seattle, WA 98103

Tualatin, OR 97062

George A. Riemer
1501 W. Washington St.
Suite 229
Phoenix, AZ 85007

By United States Postal Service, ordinary first class mail.

5.
CERTIFICATE OF FILING

I certify that on July 30, 2013, I filed the original of this REPLY FROM PETITIONER, WAYNE STANLEY JONES, REQUESTING THE OPPORTUNITY TO FILE A REPLY TO THE RESPONSIVE PLEADINGS OF RESPONDENTS THAT HAVE BEEN DIRECTED BY THIS COURT, AND RESPONDING TO THIS COURT'S INQUIRY REGARDING THE APPOINTMENT OF A SPECIAL MASTER with the State Court Administrator at this address:

State Court Administrator
Records Section
Supreme Court Building
1163 State Street
Salem, OR 97301-2563

By United States Postal Service, certified or registered mail, return receipt requested.

Wayne Stanley Jones
Signature of Petitioner

Wayne Stanley Jones