IN THE SUPREME COURT OF THE STATE OF OREGON

EVERICE MORO, TERRI DOMENIGONI, CHARLES CUSTER, JOHN HAWKINS, MICHAEL ARKEN, EUGENE DITTER, JOHN O'KIEF, MICHAEL SMITH, LANE JOHNSON, GREG CLOUSER, BRANDON SILENCE, ALISON VICKERY, and JIN VOEK
Petitioners,

v.

STATE OF OREGON, STATE OF OREGON by and through the Department of Corrections, LINN COUNTY, CITY OF PORTLAND, CITY OF SALEM, TUALATIN VALLEY FIRE & RESCUE, ESTACADA SCHOOL DISTRICT, OREGON CITY SCHOOL DISTRICT, ONTARIO SCHOOL DISTRICT, BEAVERTON SCHOOL DISTRICT, WEST LINN SCHOOL DISTRICT, BEND SCHOOL DISTRICT, and PUBLIC EMPLOYEES RETIREMENT BOARD,
Respondents,

And

LEAGUE OF OREGON CITIES; OREGON SCHOOL BOARDS ASSOCIATION; CENTRAL OREGON IRRIGATION DISTRICT; and ASSOCIATION OF OREGON COUNTIES,
Intervenors.

S061452 (Control)

WAYNE STANLEY JONES,
Petitioner,

v.

PUBLIC EMPLOYEES RETIREMENT BOARD, ELLEN ROSENBLUM, Attorney General and JOHN A. KITZHABER, Governor,
Respondents.

S061431

MICHAEL D. REYNOLDS,
Petitioner,

v.

PUBLIC EMPLOYEES RETIREMENT BOARD, State of Oregon; and JOHN A. KITZHABER, Governor, State of Oregon,
Respondents

S061454

GEORGE A. RIEMER,
Petitioner,

v.

STATE OF OREGON, OREGON GOVERNOR JOHN KITZHABER, OREGON ATTORNEY GENERAL ELLEN ROSENBLUM, OREGON PUBLIC EMPLOYEES RETIREMENT BOARD, and OREGON PUBLIC EMPLOYEES RETIREMENT SYSTEM,
Respondents.

S061475

PETITIONERS' MOTION FOR LEAVE TO FILE

PETITION FOR DIRECT REVIEW-LEGISLATION (SECOND AMENDED)

Petitioners Everice Moro, Terri Domenigoni, Charles Custer, John Hawkins, Michael Arken, Eugene Ditter, John O'Kief, Michael Smith, Lane Johnson, Greg Clouser, Brandon Silence, Alison Vickery, and Jin Voek (referred to collectively as "Moro Petitioners") request leave of the court to file a Second Amended Petition for Direct Review. The Second Amended Petition Moro petitioners seek leave to file adds challenges to SB 861 passed during the 2013 Special Session which build upon the SB 822 changes to PERS which are the subject of this case.

Section 11 of SB 861 contains a provision identical to section 19 of SB 822 conferring jurisdiction on this court to determine whether "this 2013 special session Act breaches any contract between members of the Public Employees Retirement System and their employers, violates any constitutional provision, including but not limited to impairment of contract rights of members under Article I, section 21 of the Oregon Constitution or Article I, section 10, clause 1 of the United States Constitution, or is invalid for any other reason." Section 11, subsection (2), grants petitioners, as adversely affected persons, the right to file a petition with this court challenging SB 861 within 60 days after the effective date of the Act. The effective date of SB 861 was October 8, 2013, the date the Governor approved the law. The 60th day to file a petition with this court would fall on Saturday, December 7, 2013. Therefore, Moro Petitioners would have until Monday, December 9, 2013 to file their petition.

In lieu of filing a separate petition and new case, Moro Petitioners request that the court grant them leave to amend their petition in this matter to allege the additional challenges to SB 861. The Second Amended Petition would be filed within 60 days of that effective date and would otherwise satisfy the other requirements of Section 11, subsection (2)(b) and (3) of SB 861. It is Moro Petitioners understanding that Respondents would have no objection to this motion, and the granting of the motion would serve judicial economy.

For the foregoing reasons, the court should allow the filing of the Second Amended Petition within the 60 day period.

DATED this 5th day of December, 2013.

s/Gregory A. Hartman

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CERTIFICATE OF FILING

I certify that on December 5, 2013, I filed the original of this PETITIONERS' MOTION FOR LEAVE TO FILE PETITION FOR DIRECT REVIEW – LEGISLATION (SECOND AMENDED) by electronic filing with the Appellate Court Administrator, Appellate Court Records Section, by using the court's electronic filing system pursuant to ORAP 16.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PETITIONERS' MOTION FOR LEAVE TO FILE PETITION FOR DIRECT REVIEW – LEGISLATION (SECOND AMENDED) upon the following individuals on December 5, 2013, by using the court's electronic filing system pursuant to ORAP 16 on December 5, 2013:

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I hereby certify further that on December 5, 2013 I served a true copy of this PETITIONERS' MOTION FOR LEAVE TO FILE PETITION FOR DIRECT REVIEW – LEGISLATION (SECOND AMENDED) by conventional email and first class mail on:

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DATED this 5th day of December, 2013.

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