

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

URSULA WHITE, BRUCE N. REITER,
and MARGARET RETZ,)
Plaintiffs,) Case No.
vs) 0404-04118
PUBLIC EMPLOYEES RETIREMENT)
BOARD,)
Defendant,)
and)
STATE OF OREGON, LANE COUNTY,)
CITY OF EUGENE, MULTNOMAH COUNTY,)
CITY OF PORTLAND, CITY OF)
ROSEBURG, CITY OF HUNTINGTON,)
CANBY UTILITY BOARD, and ROGUE)
RIVER VALLEY IRRIGATION,)
Intervenors.)
URSULA WHITE, BRUCE N. REITER,
and MARGARET RETZ,)
Petitioners,)
vs)
PUBLIC EMPLOYEES RETIREMENT)
BOARD,)
Respondent,)
and)
STATE OF OREGON, LANE COUNTY,)
CITY OF EUGENE, MULTNOMAH COUNTY,)
CITY OF PORTLAND, CITY OF)
ROSEBURG, CITY OF HUNTINGTON,)
CANBY UTILITY BOARD, and ROGUE)
RIVER VALLEY IRRIGATION,)
Intervenors.)

DEPOSITION OF THOMAS BOYD GRIMSLEY
Taken in Behalf of the Plaintiffs
Friday, November 30, 2007

INDEX
Page Line
EXAMINATION BY: 4 6
EXAMINATION BY-MR. HARTMAN: 4 6
EXHIBITS MARKED
Exhibit 11, 11/19/03 Letter to Baker 14 1
from Gary

* * *

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1 BE IT REMEMBERED THAT, the deposition of
2 THOMAS BOYD GRIMSLEY was taken before MARK D. KRISKA, a
3 Certified Shorthand Reporter for Oregon, on Friday,
4 November 30, 2007, commencing at the hour of 1:00 p.m.,
5 in the law offices of Bennett, Hartman, Morris & Kaplan,
6 in the City of Portland, County of Multnomah, State of
7 Oregon.

8
9 APPEARANCES:

10
11 BENNETT, HARTMAN, MORRIS & KAPLAN
12 Attorneys at Law
13 By Mr. Gregory A. Hartman
14 Appearing in behalf of the Plaintiffs
15
16 ORRICK, HERRINGTON & SUTCLIFFE
17 Attorneys at Law
18 By Mr. Joseph M. Malkin and Ms. Sarah Marriott
19 Appearing in behalf of the Defendants
20
21 HARRANG, LONG, GARY, RUDNICK
22 Attorneys at Law
23 By Ms. Susan Marmaduke
24 Appearing in behalf of the Intervenors
25

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1 THOMAS BOYD GRIMSLEY
2 was thereupon produced as a witness in behalf of the
3 Plaintiffs and, having been first duly sworn on oath,
4 was examined and testified as follows:
5

6 EXAMINATION

7 BY-MR. HARTMAN:

8 Q. Mr. Grimsley, have you been deposed before?

9 A. No, this is the first time.

10 Q. This is your first time?

11 A. Yes.

12 Q. Well, I'll take a moment then.

13 Basically this is my opportunity to ask you
14 a series of questions which relate to the White
15 litigation, which is currently pending. Of course, that
16 litigation involves PERS, and you are currently a member
17 of the board of PERS.

18 I will be asking you questions. All of my
19 questions and your responses are recorded by the court
20 reporter, come in a little booklet that looks like this,
21 so that we can use that as we go forward in this case.

22 It's very important that we communicate
23 clearly, so if at any time I ask you a question that you
24 don't feel that you fully understand, ask me to rephrase
25 it, repeat it or do whatever is necessary to make sure

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Hartman Affidavit
Exhibit 22, p. 1 of 3

1 you understand what I'm asking.
2 You have to answer audibly, shaking the
3 head --

4 A. Okay.

5 Q. -- or nodding the head doesn't work because the
6 court reporter may be confused about what you're trying
7 to tell us.

8 A. Understood.

9 Q. So you have to answer everything audibly.
10 Your attorney is here. If you want to take
11 a break and discuss something with him, you can do that.
12 We ask that you complete your answer to the pending
13 question before you do that. And, of course, if you
14 need or want a break for any other reason, all you have
15 to do is tell us. Fair enough?

16 A. Okay. Fair.

17 MR. MALKIN: Well, the one thing I would
18 add, since you just made the comment, Greg, about
19 responding to a pending question before consulting with
20 counsel, if the consultation involves a question of
21 whether there is an attorney-client privilege or other
22 privilege that may be involved and disclosed by
23 answering the question then, of course, the consultation
24 should take place first.

25 MR. HARTMAN: I agree.
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1 THE WITNESS: Understood.
2 BY MR. HARTMAN: (Continuing)
3 Q. The reason we give that instruction, if you will,
4 is some attorneys, not including your attorneys, like to
5 have their clients consult with them on every question
6 before they respond. So I'm sure that won't happen
7 today. And I agree with what Mr. Malkin said, if you
8 have an issue about privilege then you can just let us
9 know that, consult with him.

10 A. Okay.

11 Q. You, as I recall, went on the board of PERS
12 September of 2003. Does that sound correct?

13 A. It does.

14 Q. And I'd like to start by asking just some
15 background questions. Can you give us a brief rundown
16 on your professional background, starting with September
17 of 2003 and working backwards?

18 A. Are you asking why I was chosen to be on the
19 board or --

20 Q. No, no, just --

21 A. I've been a school teacher in Oregon for most of
22 my teaching career. I also taught in the southern part
23 of Oregon and Rogue River before coming to the lovely
24 Eugene, and before that two years in California.

25 Q. So has your entire professional teacher -- or

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1 career been as a teacher?

2 A. No, I've done other professions, but the last
3 large section has been teaching, so -- I've done
4 everything from truck driving on.

5 Q. In the course of your professional experience,
6 did you have the opportunity to get involved in pension
7 issues, study of pension issues, analysis of pension
8 issues, or things of that nature?

9 A. For about the last 18 to 20 years I have been
10 running the benefits for Bethel, Bethel School District,
11 where I'm employed. That's probably why OEA asked me to
12 take this position.

13 Q. And as part of your duties and responsibilities
14 as running that benefits, do you have occasion to talk
15 with people about pension issues or advise them on
16 pension issues?

17 A. Advise them on pension issues? No, not really.

18 Q. Okay. I'm just trying to have an understanding
19 of what in your experience -- what experiences you may
20 have had that ultimately relate directly to the PERS
21 system.

22 A. NEA Benefits Forum, been an attendant for many
23 years.

24 Q. As we discussed, you went on the board in
25 September of '03. Did you speak to someone in the

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1 governor's office about accepting an appointment to the
2 board?

3 A. I had after OEA asked me to be their
4 representative. In fact, they asked me before I made a
5 trip to Europe, asked me again the day I got home.
6 Someone from the governor's office did come visit me to
7 make sure I understood the work I was about to take on.
8 So --

9 Q. They told you it was just one meeting a month,
10 don't worry about it?

11 A. They told me it would be heavy at the first, it
12 would be no more than 20 hours. And it was more than
13 that. 20 hours a month.

14 Q. Just by way of background, you mentioned OEA
15 coming to you. Is there a spot on the board designated
16 as a spot to be taken by an employee representative?

17 A. That's my understanding, yes, one.

18 Q. And are you -- you in fact are the person who was
19 appointed by the governor to take that employee
20 representative's spot?

21 A. Correct.

22 Q. Prior to going on -- or before I go there.

23 In the course of discussions with the person
24 from the governor's office, did you discuss any of the
25 then pending issues before PERS?

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C E R T I F I C A T E

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I, Mark D. Krska, a Certified Shorthand Reporter for the State of Oregon, do hereby certify that THOMAS BOYD GRIMSLEY personally appeared before me at the time and place mentioned in the caption herein; that the witness was by me first duly sworn on oath, and examined upon oral interrogatories propounded by counsel; that said examination, together with the testimony of said witness, was taken down by me in stenotype and thereafter reduced to typewriting; and that the foregoing transcript, Pages 4 to 33, both inclusive, constitutes a full, true and accurate record of said examination of and testimony by said witness, and of all other oral proceedings had during the taking of said deposition, and of the whole thereof.

Dated at Portland, Oregon, this 17th day of December, 2007.

Mark D. Krska
Mark D. Krska
CSR No. 90-0215

