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CO Denver County District Court 2nd JD
Filing Date: Nov 23 2010 4:37PM MST
Filing ID: 34521555
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EXHIBIT 1

Case No. 2010 cv 1589

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and LISA SILVA-DEROU, on behalf of themselves and those similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF COLORADO; PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO; GOVERNOR BILL RITTER, MARK J. ANDERSON AND SARA R. ALT, IN THEIR OFFICIAL CAPACITIES ONLY,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <p>Case No.: 2010-CV-1589</p> <p>Division: 6</p>
<p>AFFIDAVIT OF RICHARD ROSENBLATT IN SUPPORT OF PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT</p>	

1. I am over the age of 18 and competent to testify about the matters below.
2. I am counsel to the Plaintiffs.
3. Attached as Exhibit 2 to Plaintiffs' Motion for Partial Summary Judgment is the Affidavit of Gary Justus.
4. Attached as Exhibit 3 to Plaintiffs' Motion for Partial Summary Judgment is the Affidavit of Kathleen Hopkins.
5. Attached as Exhibit 4 to Plaintiffs' Motion for Partial Summary Judgment is the Affidavit of Eugene T. Halaas, Jr.
6. Attached as Exhibit 5 to Plaintiffs' Motion for Partial Summary Judgment is the Affidavit of Robert P. Laird, Jr.

7. Attached as Exhibit 6 to Plaintiffs' Motion for Partial Summary Judgment is an excerpt from the PERA publication "Your PERA Benefits."

8. Attached as Exhibit 7 to Plaintiffs' Motion for Partial Summary Judgment is an excerpt from the PERA publication "Benefits at a Glance."

9. Attached as Exhibit 9 to Plaintiffs' Motion for Partial Summary Judgment is an excerpt from the September 2004 issue of the PERA publication "Member Report."

10. Attached as Exhibit 9 to Plaintiffs' Motion for Partial Summary Judgment is a copy of a page from the PERA Website that was accessed on November 11, 2009.

11. Attached as Exhibit 10 to Plaintiffs' Motion for Partial Summary Judgment is the DSPRS publication "Significant Facts."

12. Attached as Exhibit 11 to Plaintiffs' Motion for Partial Summary Judgment is Attorney General Formal Opinion No. 05-04.

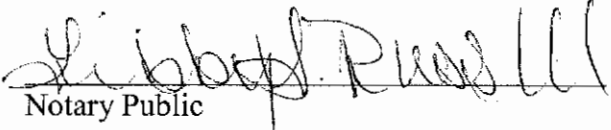
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I have personal knowledge of the facts contained herein and, if called upon to testify, I could and would competently testify thereto.



RICHARD ROSENBLATT

Sworn and subscribed before me on November 22, 2010.

My Commission Expires
11/21/2011



Notary Public

EXHIBIT 2
Case No. 2010 cv 1589

DISTRICT COURT, CITY AND COUNTY OF DENVER,
COLORADO

1437 Bannock Street
Denver, CO 80202

GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE
HALAAS and LISA SILVA-DEROU, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

STATE OF COLORADO; PUBLIC EMPLOYEES'
RETIREMENT ASSOCIATION OF COLORADO;
GOVERNOR BILL RITTER, MARK J. ANDERSON
AND SARA R. ALT, IN THEIR OFFICIAL
CAPACITIES ONLY,

Defendants.

AFFIDAVIT OF GARY JUSTUS


I, Gary Justus, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and competent to testify about the matters below.
2. I worked for more than 29 years for the Denver Public Schools before retiring in 2003.
3. Until December 31, 2009, I received my pension through the Denver Public Schools Retirement System ("DPSRS").
4. Beginning on January 1, 2010, I became a retired member of the Public Employees' Retirement Association of Colorado.
5. I did not receive an adjustment to my PERA pension in 2010.

I declare under the pains and penalties of perjury that the foregoing is true and correct and that I have personal knowledge of the facts contained herein and, if called upon to

testify, I could and would competently testify thereto.

Signed this day, November 12, 2010 at Evergreen, Colorado



Gary Justis

Subscribed and sworn to me on this 12 day of November 2010.

VICKI E. SPICER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 11/29/2011



NOTARY PUBLIC

My Commission Expires: 11-29-2011

EXHIBIT 3
Case No. 2010 cv 1589

DISTRICT COURT, CITY AND COUNTY OF DENVER,
COLORADO

1437 Bannock Street
Denver, CO 80202

GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE T. HALAAS and LISA SILVA-DEROU, on behalf of themselves and those similarly situated,

Plaintiffs,

v.

STATE OF COLORADO; PUBLIC EMPLOYEES'
RETIREMENT ASSOCIATION OF COLORADO;
GOVERNOR BILL RITTER, MARK J. ANDERSON
AND SARA R. ALT, IN THEIR OFFICIAL
CAPACITIES ONLY,

Defendants.


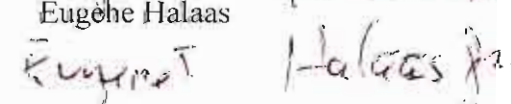
AFFIDAVIT OF EUGENE HALAAS

I, Eugene Halaas, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and competent to testify about the matters below.
2. I worked for over 27 years for the State of Colorado before retiring in 1999.
3. Since retiring, I have collected pension benefits from PERA.
4. I did not receive an adjustment to my pension in 2010.

I declare under the pains and penalties of perjury that the foregoing is true and correct and that I have personal knowledge of the facts contained herein and, if called upon to testify, I could and would competently testify thereto.

Signed this day, November 9th, 2010 at Menlo Park, California.


Eugene Halaas

Eugene Halaas Jr.

Subscribed and sworn to me on this 9th day of November 2010.



Christine D. Wixon
NOTARY PUBLIC

My Commission Expires: 4/30/2014

EXHIBIT 4
Case No. 2010 cv 1589

DISTRICT COURT, CITY AND COUNTY OF DENVER,
COLORADO

1437 Bannock Street
Denver, CO 80202

GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE
HALAAS and LISA SILVA-DEROU, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

STATE OF COLORADO; PUBLIC EMPLOYEES'
RETIREMENT ASSOCIATION OF COLORADO;
GOVERNOR BILL RITTER, MARK J. ANDERSON
AND SARA R. ALT, IN THEIR OFFICIAL
CAPACITIES ONLY,

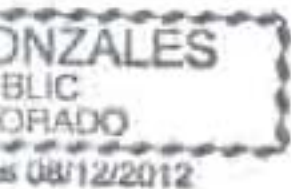
Defendants.

AFFIDAVIT OF KATHLEEN HOPKINS

I, Kathleen Hopkins, being first duly sworn upon oath, depose and say:

1. I am over the age of 18 and competent to testify about the matters below.
2. I worked for approximately 15 years for the State of Colorado before retiring in 2001.
3. Since retiring, I have collected pension benefits from PERA.
4. I did not receive an adjustment to my pension in 2010.

and sworn to me on this 12 day of November 2010.



Crystal A Ganga
NOTARY PUBLIC

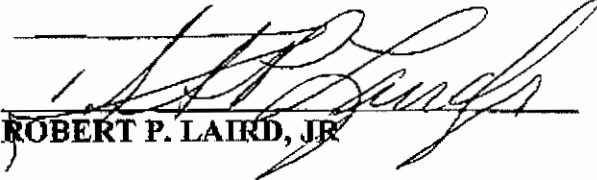
My Commission Expires: 8/12/12

EXHIBIT 5
Case No. 2010 cv 1589

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p>	
<p>GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and LISA SILVA-DEROU, on behalf of themselves and those similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF COLORADO; PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO; GOVERNOR BILL RITTER, MARK J. ANDERSON AND SARA R. ALT, IN THEIR OFFICIAL CAPACITIES ONLY,</p> <p>Defendants.</p>	<p>▲ COURT USE ONLY ▲</p> <p>Case No.: 2010-CV-1589</p> <p>Division: 6</p>
<p align="center">AFFIDAVIT OF ROBERT P. LAIRD, JR</p>	

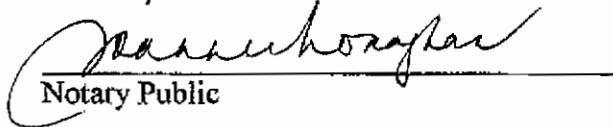
1. I am over the age of 18 and competent to testify about the matters below.
2. Until July 2010, I was the Mechanical Systems Supervisor at Pikes Peak Community College and an active member of PERA.
3. On February 28, 2010, I was eligible to retire under a Rule of 80, having at least 32 years of creditable service and being age 57, and to receive full pension benefits.
4. I retired from my position in July 2010 and have been receiving benefits from PERA since retiring.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that I have personal knowledge of the facts contained herein and, if called upon to testify, I could and would competently testify thereto.


ROBERT P. LAIRD, JR

Sworn and subscribed before me this on November 16, 2010.

My commission expires Apr 19, 2013


Notary Public

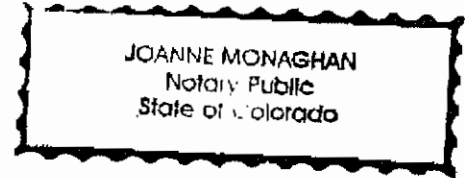


EXHIBIT 6
Case No. 2010 cv 1589



YOUR PERA BENEFITS

A Summary of the Plan

*Public
Employees'
Retirement
Association
of Colorado*

Annual Benefit Increases

PERA will increase your benefit each year by 3.5 percent compounded annually from the date of your initial benefit. This increase is recalculated on the last workday of each March and is based on your total benefit. Your first increase will be prorated for the number of months you have been retired.

Health Care Program (effective until December 31, 2000)

All benefit recipients and their qualified dependents are eligible to participate in PERA's Health Care Program. Guardians of children receiving survivor benefits also are eligible to participate as long as the children are enrolled in the Program.

The Program includes self-insured medical plans administered by Mutual of Omaha and health care services provided by various health maintenance organizations. PERA subsidizes the monthly premiums for benefit recipients depending on the number of years of service credit on which the PERA benefit is based.

PERACare

Beginning January 2001, PERA implements a new health benefits program titled PERACare. All benefit recipients and their dependents will be eligible to participate in PERACare, and PERA will continue to subsidize the monthly premiums for benefit recipients up to \$230 for pre-Medicare and \$115 for Medicare participants. In addition, PERACare will also be available to PERA employers to offer to their employees and family members.

The health plans will include several levels of coverage from which to choose, including catastrophic-type coverage that will include lower premiums but higher copayments and deductible amounts. PERACare will also include a dental HMO and a dental Preferred Provider plan (PPO) and two vision PPO plans in which benefit recipients will be able to enroll themselves and their dependents.

EXHIBIT 7
Case No. 2010 cv 1589



Benefits At A Glance

Check out the many advantages of membership in Colorado PERA

Contributions

- Contribute 8 percent to your PERA account tax deferred, which means reduced current state and federal income taxes.
- Earn a fixed rate on your member contributions (currently 5 percent compounded annually). The rate is set by the Board and is subject to change annually.
- Withdraw your account if you leave PERA-covered employment, or receive a lifetime benefit when you are eligible for retirement.
- Receive a matching amount equal to 50 percent of your contributions and interest if you withdraw your account before retirement eligibility or age 65, or, receive a 100 percent match if you withdraw your account after retirement eligibility or age 65.

Survivor and Disability Benefits

- Your qualified survivors will receive a monthly benefit between 25 percent and 50 percent of your pay if you die after earning one year of service, or your beneficiary will receive a lump-sum payment of your contributions, applicable interest, and a 100 percent match if no monthly benefits are payable.
- You may apply for disability benefits if you cannot perform your job duties because of a physical or mental disability, and you have earned five or more years of PERA service credit.

Voluntary PERA Programs

- Reduce your current taxes and invest for your future by enrolling in PERA's 401(k) Plan, a voluntary investment program with a variety of investment choices.
- Enroll in one or both of the voluntary low-cost, group term life insurance plans offered to PERA members—total benefits in these plans extend up to \$240,000 depending on your age.

Retirement Benefits

- Receive a guaranteed lifetime retirement benefit starting as early as age 50 with 25 years of service credit; age 55 with 20 years of service credit; age 60 with only 5 years of service credit; or age 65 with any amount of service credit.
- Receive benefits equal to 2.5 percent of your average highest three years of salary for each year of service up to 100 percent.
- Increase your retirement benefit by purchasing service for employment not covered by PERA or reinstating a former PERA account.
- Receive an annual automatic increase of 3.5 percent in your monthly retirement benefit to help keep up with the cost of living.
- Receive a subsidy up to \$230 per month toward your premium if participating as a retiree in PERA's Health Care Program.

Keeping You Informed

PERA provides the following services to help keep you informed about your PERA membership:

- New Member Information Kit
- Benefit Information Meetings and Counseling
- Annual Member Statement and other publications
- Customer Service Center
- PERA's Web Site

This fact sheet provides general information about Colorado PERA benefits. PERA membership rights, benefits, and obligations are governed by Title 24, Article 51 of the Colorado Revised Statutes, and the Rules of the Colorado Public Employees' Retirement Association, which take precedence over any interpretations in this fact sheet.

Personal. Innovative. Secure.

Questions? Call PERA Monday–Thursday from 7:00 a.m. to 5:30 p.m. and Fridays from 7:00 a.m. to 4:30 p.m. 303-832-9550 or 1-800-759-PERA (7372) or visit our Web site at www.copera.org

EXHIBIT 8
Case No. 2010 cv 1589

Thank You for Enhancing the Quality of Life in Colorado

Summer is my favorite season in Colorado. I like all the seasons in my adopted state, but summer is the time when I get to spend more time outside in this great state. One other thing about me, I like to drive. Summer is the best time to drive to some of the most beautiful places in the nation, the ones that are right here in the Centennial State. You may recall that I am not a native Coloradan, but my twin goals to live here and to manage the best public pension fund around were realized a few years ago when I came to Colorado PERA.

As I have been out this summer, passing through small towns on the Eastern Plains, cruising winding mountain passes, and traversing the high deserts of Colorado, I often think about the many PERA members and benefit recipients who have enhanced the quality of life in Colorado through their public sector careers. It's then I am even more proud to be associated with Colorado PERA, proud to be part of the retirement plan that paid over \$1.6 billion in benefits last year, and will pay benefits to those of you still serving the public in Colorado when you finish your careers.

Over the past decade, public employees have become targets for those who do not value the sacrifices made by people like you. I can assure you, I do not share this philosophy. I know that many of the jobs you do are those that no one else (especially those in the private sector) want or are willing to do for the pay. Public employees are often underappreciated and go unnoticed until attention is drawn to something like their retirement plan. Apples-to-apples comparisons are rarely made—and sometimes outright envy of your PERA retirement benefit is evidenced.

I've written here before about the steps the PERA Board of Trustees has taken to improve the funded status of PERA. I've noted that a decrease in employer contribution rates (saving Colorado taxpayers over \$250 million in recent years), combined with increases in early retirements, and record service credit purchases have negatively impacted PERA. I've also pointed out that the past few years in the financial markets have been the worst on record.

You've probably heard the calls for PERA benefits to be reduced, or for members to pay more into PERA. You may have even heard PERA will be unable to pay you a benefit when you retire. Here's my response to that—pension plans have very long investment horizons. Changes to pension policy take many years to be fully realized. What matters is that appropriate steps have been taken to address the funded status of PERA, and the Board and PERA staff will continue to monitor the situation. We are on the right track, and PERA is positioned to pay benefits for many decades to come.

As summer draws to a close and we welcome the crispness of approaching fall mornings, I just may be driving through your area of our state. If you happen to see me in your part of Colorful Colorado, be sure to introduce yourself to me. I enjoy meeting Colorado PERA members and hearing their stories. (You can also e-mail me at Meredith@copera.org.) 



Meredith Williams
Colorado PERA Executive Director

From time to time, I have the pleasure of meeting with my peers from around the country who manage public pension funds like Colorado PERA. They always want to know what the next project is at PERA. You see, your pension fund is regarded as one of the most innovative and progressive plans in the United States, if not the world. (I'm not exaggerating – we've hosted pension fund managers from Australia, Japan, and Canada, as well as from other states in America.)

Why should this matter to you as a PERA member? It's proof that the dedicated staff at Colorado PERA, under the direction of your elected Board of Trustees, is committed to providing retirement benefits to you in the most professional and cost effective manner. It's proof that we are concerned about the recent downturn in the funded status of your pension plan, and want to assure you that appropriate steps have been taken to make sure that the dedicated public servants in Colorado receive the retirement benefit they have earned.

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EXHIBIT 9
Case No. 2010 cv 1589



Benefit Increases

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Legislation

Meetings and Appointment Scheduler

PERACare

PERAMedic

Retiree Report

Annual Benefit Increases

When you retire, you will receive annual benefit increases to your PERA benefit based on when you began PERA membership. *Note:* You must advise Social Security whenever your own earned PERA benefit changes and you receive a spousal benefit from Social Security.

If you began PERA membership on or before June 30, 2005, you will receive an annual increase of 3.5 percent. You are eligible for your first annual increase in the March that immediately follows the calendar year in which you retire, provided your effective date of retirement is December 1, or earlier. For example, if you retired on July 1, 2009, you will receive your first annual increase on March 31, 2010. Benefit increases are prorated for those retirees with less than a full year in retirement.

Benefit recipients who retired during 2008 will receive a prorated annual increase, which is a proportional amount of the 3.5 percent increase, as listed below. (January and February 2008 retirees receive one or two additional month's increase in March 2009 to bring them current to the March cycle.)

Month	Amount of Increase
January	4.08%
February	3.79%
March	3.50%
April	3.21%
May	2.92%
June	2.63%
July	2.33%
August	2.04%
September	1.75%
October	1.46%
November	1.17%
December	0.88%

If you began PERA membership on or after July 1, 2005, and before January 1, 2007, you will receive an annual increase of the lower of 3 percent or the Consumer Price Index (CPI) for urban wage earners and clerical workers. You are eligible for your first annual increase in the March that immediately follows the calendar year in which you retire, provided your effective date of retirement is December 1, or earlier. For example, if you retire on July 1, 2009, you will receive

your first annual increase on March 31, 2010. Benefit increases are prorated for those retirees with less than a full year in retirement.


For 2009, your annual increase will be the Consumer Price Index (CPI) for 2008 or 3 percent, whichever is lower. Since the CPI for 2008 was negative 0.5 percent, there will not be an increase for benefit recipients whose date of PERA membership began during the timeframe listed above.

If you began PERA membership on or after January 1, 2007, you are eligible to receive an annual increase of the lower of 3 percent or the CPI for urban wage earners and clerical workers, or a permanent increase for benefit recipients that will exhaust 10 percent of the year-end balance of the market value of the annual increase reserve. You are eligible for the increase if you have been receiving your retirement benefit for the full preceding calendar year and you have retired with a service retirement benefit or with a reduced service retirement and as of January 1 of that year, have reached age 60 or your years of service plus age equals 85. No minimum age or service credit requirements applies to disability retirees. Annual benefit increases are limited to available funds dedicated to this purpose. You are eligible for your first annual increase in the July that follows your first calendar year of retirement. For example, if you retired on December 1, 2009, you may receive your first annual increase on July 31, 2011.

What is the CPI?

The Consumer Price Index (CPI) is a measure of the average change in prices of goods and services over time. Every month these prices are tracked and then each month's data is averaged and a yearly average is obtained. The CPI measures inflation as experienced by consumers in their day-to-day living expenses.

Source: www.bls.gov

[About PERA](#)  [Account Access Info](#)  [Active Member Info](#)  [Ask Meredith](#)  [Employer Info](#)  [Media Room](#)
[Retiree/Benefit Recipient Info](#)  [Tools/Forms/Pubs](#)  [Contact Customer Service](#)
[Help](#)  [Search](#)  [Contact Webmaster](#)