DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO	
1437 Bannock Street Denver, CO 80202	
GARY R. JUSTUS, KATHLEEN HOPKINS, EUGENE HALAAS and ROBERT LAIRD, JR, on behalf of themselves and those similarly situated, Plaintiffs, v. STATE OF COLORADO; PUBLIC EMPLOYEES' RETIREMENT ASSOCIATION OF COLORADO; GOVERNOR JOHN HICKENLOOPER, CAROLE WRIGHT AND MARYANN MOTZA, IN THEIR OFFICIAL CAPACITIES ONLY, Defendants.	▲ COURT USE ONLY ▲ Case No.: 2010-CV-1589 Division: 6
AFFIDAVIT OF GARY JUSTUS	

1. I am a Plaintiff in the above-captioned case. I submit this affidavit in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment. I base this affidavit on my personal knowledge.

2. I worked for the Denver Public Schools (DPS) from 1974 until my retirement in 2003.

3. In agreeing to work for the DPS, it was important to me that the benefits included participation in a pension plan under the Denver Public Schools Retirement System. This was one of the things that attracted me to the job.

4. The availability of pension benefits, including cost-of-living adjustments (COLAs), played a role in my continuing to work at my governmental position. I looked at positions in the

private sector that paid more, but stayed in the position I had, in part because of the security that the promised pension provided.

5. DPS was a defined benefit pension plan. My employer made contributions to DPS based on a percentage of my salary and a percentage of my salary was deducted from my paycheck and remitted to DPS

6. Upon my retirement, I began receiving DPS pension benefits and expected that my benefits would increase every year at a rate of 3.25% (compounded), the formula in effect at the time I retired.

7. SB 10-001 represents a reduction from the COLA that I believed had been guaranteed to me when I retired.

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Gary Justus

Sworn and subscribed before me this ___ day of April, 2011.

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Notary Public