

1 IN THE SUPREME COURT OF THE STATE OF OREGON

2 DALE L. ANDERSON, et al.,

Supreme Court No. S50647

3 Petitioners,

**NON-STATE RESPONDENTS' FIRST  
REQUEST FOR PRODUCTION OF  
DOCUMENTS TO PETITIONERS**

4 v.

5 PUBLIC EMPLOYEES RETIREMENT  
BOARD, et al.,

6 Respondents.  
7

8 To: J. Michael Alexander  
Swanson Lathen Alexander & McCann P.C.  
9 388 State Street  
Suite 1000  
10 Salem, OR 97301

11 Pursuant to the provisions of Rules 36 and 43 of the Oregon Rules  
12 of Civil Procedure, Non-State Respondents request that each petitioner produce for  
13 Non-State Respondents' inspection and copying at the law offices of HARRANG LONG  
14 GARY RUDNICK P.C., 360 East 10th Avenue, Suite 300, Eugene, Oregon 97401, on or  
15 before 21 days from the date of service of this request, the following described documents  
16 and records:

17 **NOTICE:**

18 This request for production of documents is a continuing request through the time of  
19 trial, and petitioners are requested to update their responses to this request for production as  
20 additional documents become available.

21 In the event these requests and continuing requests for documents are not complied  
22 with, Non-State Respondents reserve the right to exclude testimony germane to or based  
23 upon information otherwise contained in or relevant to such documents at the time of the  
24 evidentiary hearing, and to request postponement or continuance of the evidentiary hearing  
25 until such documents are delivered.

26 ////

HARRANG  
LONG GARY  
RUDNICK PC  
360 E. 10<sup>TH</sup> AVE  
SUITE 300  
EUGENE, OR 97401  
Phone (541) 485-0220  
Fax (541) 686-6564



1 the petitioner's possession or control and the reasons why the petitioner cannot produce such  
2 document.

3 6. If any document is withheld under claim of privilege, the petitioner is required  
4 to identify its author, addressee, recipient and content to allow the matter to be brought  
5 before the special master, as well as the nature of the privilege asserted and the factual basis  
6 for the claim.

7 7. This request for production is a continuing request and includes documents  
8 and correspondence generated or received after this request.

9 8. Documents provided by each petitioner should be clearly designated with the  
10 name of the petitioner producing the documents.

### 11 **REQUESTS FOR PRODUCTION**

12 **REQUEST NO. 1.:** All documents and correspondence received by each petitioner  
13 from PERS, whether directly or indirectly, describing the retirement plan, including but not  
14 limited to, member handbooks, newsletters, informational brochures, and retirement planning  
15 information.

#### 16 **RESPONSE:**

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18 **REQUEST NO. 2.:** All documents and correspondence that each petitioner received  
19 from any participating PERS employer concerning PERS or retirement benefits generally.  
20 This includes, but is not limited to, written offers of employment, notices of change in  
21 benefits, personnel policies, and personnel manuals.

#### 22 **RESPONSE:**

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24 **REQUEST NO. 3.:** All documents and correspondence from PERS concerning each  
25 petitioner's account in the PERS Fund or each petitioner's actual or estimated benefits under  
26 PERS. This includes, but is not limited to, statements of the balances in each petitioner's

1 regular and variable accounts, estimates of benefits, application packets and forms, and  
2 worksheets.

3 **RESPONSE:**

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5 **REQUEST NO. 4.:** All documents, newsletters and correspondence that each  
6 petitioner received from any union or other employee organization describing or related to  
7 the PERS system or other retirement benefits. This includes, but is not limited to, documents  
8 related to PERS legislation, litigation about PERS issues, PERS proposed or final  
9 administrative rules, or PERS benefits.

10 **RESPONSE:**

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12 **REQUEST NO. 5.:** All documents and correspondence relating to any collective  
13 bargaining agreement or other employment contract covering each petitioner that is or has  
14 been in force during employment with any participating PERS employer.

15 **RESPONSE:**

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17 **REQUEST NO. 6.:** All documents and correspondence relating to each petitioner's  
18 expected PERS benefits at or after retirement.

19 **RESPONSE:**

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21 **REQUEST NO. 7.:** A copy of each petitioner's personnel file, including position  
22 titles and complete salary and payroll history, from every employer, whether a PERS  
23 participating employer or otherwise.

24 **RESPONSE:**

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26 **REQUEST NO. 8.:** A copy of records held by PERS concerning each petitioner,

1 including but not limited to account history, contributions, salary levels and categories,  
2 benefits paid, and other information related to the determination of PERS benefits, in  
3 whatever form; or, in the alternative, a signed release form allowing PERS to provide those  
4 records directly to Non-State Respondents. A release form is attached.

5 **RESPONSE:**

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7 **REQUEST NO. 9.:** All documents and correspondence relating to each petitioner's  
8 estimated Social Security benefits, and including each petitioner's Social Security number.

9 **RESPONSE:**

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11 **REQUEST NO. 10.:** All documents and correspondence, including but not limited  
12 to, articles, newsletters, and letters to the editor, that each petitioner has written, contributed  
13 to, or endorsed concerning PERS, PERS benefits, the challenged legislation, or the actions  
14 of the PERS Board, state legislators, courts, other state officials, or PERS staff, from 1995  
15 to the present.

16 **RESPONSE:**

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18 **REQUEST NO. 11.:** All documents or records containing information about  
19 disability benefits or other distributions paid from PERS to each petitioner, if any.

20 **RESPONSE:**

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22 **REQUEST NO. 12.:** For each petitioner who has retired, all documents showing  
23 the date and amount of each payment of a retirement allowance from PERS; the date of  
24 retirement; any adjustment to the allowance; any return to service following retirement; the  
25 method used in calculating the allowance; the form of benefit selected; the amount and terms  
26 of any optional form of benefit not selected; the birth date and gender of any beneficiary


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named in a Joint and Survivor option; the final average salary used to calculate the allowance; and the amount of any unused sick leave or vacation time used in calculating the allowance.

**RESPONSE:**

DATED this 11<sup>th</sup> day of November, 2003.

**HARRANG LONG GARY RUDNICK P.C.**

  
William F. Gary, OSB #77032  
Sharon A. Rudnick, OSB #83083  
Jeffery J. Matthews, OSB #97328  
Jerome Lidz, OSB #77263  
Karla Alderman, OSB #99207  
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CERTIFICATE OF SERVICE

I certify that on November 11, 2003, I caused to be served true and correct copies of **NON-STATE RESPONDENTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PETITIONERS** on the parties listed below, by electronic transmission, and by placing copies in the U.S. Mail in a sealed envelope, properly addressed and with sufficient postage, addressed to:

J. Michael Alexander, OSB #75010  
SWANSON LATHEN ALEXANDER  
& MCCANN P.C.  
388 State Street  
Suite 1000  
Salem, OR 97301  
malexand@slamlaw.com

Stephen S. Walters, OSB #80120  
Barnes H. Ellis, OSB #64032  
Charles F. Hinkle, OSB #71083  
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STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
sswalters@stoel.com

Of Attorneys for Petitioners

Of Attorneys for State of Oregon  
Respondents

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