

1 IN THE SUPREME COURT OF THE STATE OF OREGON

2 RICHARD STRUNK, DONALD REED,
3 CAROL BOOKER, LARRY
4 BLUMENSTEIN, ALAN LIVELY,
5 MERLENE MARTIN, WILLIAM SMEE,
6 DENISE JACOBSEN, and SUSANNA
7 RHODES,

8 Plaintiffs,

9 v.

10 PUBLIC EMPLOYEES RETIREMENT
11 BOARD, STATE OF OREGON, STATE
12 OF OREGON by and through the STATE
13 BOARD OF HIGHER EDUCATION,
14 NORTH DOUGLAS SCHOOL
15 DISTRICT, DESCHUTES COUNTY,
16 PORTLAND SCHOOL DISTRICT, CITY
17 OF SALEM, SOUTH LANE SCHOOL
18 DISTRICT, and OREGON HEALTH
19 SCIENCES UNIVERSITY,

20 Defendants.

Supreme Court No. S50593

**MOTION FOR EXTENSION OF
TIME TO RESPOND TO
PLAINTIFFS' MOTION TO
STRIKE OR IN THE
ALTERNATIVE MAKE MORE
DEFINITE AND CERTAIN**

21 Defendants North Douglas School District, Deschutes County, Portland School
22 District, City of Salem, South Lane School District, and Oregon Health Sciences University
23 ("Non-State Defendants") move this court for an extension of time of 14 days from October
24 17, 2003 to October 31, 2003, within which to file and serve their Response to Plaintiffs'
25 Motion to Strike or in the Alternative Make More Definite and Certain. Defendants
26 previously have not been granted any extension of time to file their Response to that motion.

The Petition for Judgment in this matter was filed on July 22, 2003, and Non-State
Defendants filed their Answer on September 10, 2003. Plaintiffs filed their Motion to Strike
on October 3, 2003.

Non-State Defendants seek an extension of time due to commitments to other matters
and other deadlines that make it difficult to respond to Plaintiffs' motion within the 14 days
provided by rule, including a motion on the merits in a federal court class action and an
appellate brief on an appeal raising wide ranging legal issues.

1 A nearly identical motion has been filed against the Defendant Salem-Keizer School
2 District's Answer in *Petrillo v. PERB* (Case No. S50687). The defendant's response to that
3 motion is currently due October 20, 2003. The defendant also seeks an extension in that
4 case so that counsel for both Non-State Defendants and the defendant in *Petrillo* may file
5 responses to the motions in both cases at the same time.

6 Counsel for Non-State Defendants has conferred with counsel for Plaintiffs in this
7 case, who does not object to the requested extension.

8 For the foregoing reasons, Non-State Defendants respectfully request that the Court
9 grant their motion and extend the deadline within which to respond to Plaintiffs' motion
10 from October 17, 2003, to and including October 31, 2003.

11 DATED: October 16, 2003.

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

13 

14 William F. Gary, OSB #77032

15 Sharon A. Rudnick, OSB #83083

16 Jeffery J. Matthews, OSB #97328

17 Jerome Lidz, OSB #77263

18 Karla Alderman, OSB #99207

19 Ross M. Williamson, OSB #01454

20 Of Attorneys for Defendants North Douglas School
21 District, Deschutes County, Portland School District,
22 City of Salem, South Lane School District, and
23 Oregon Health Sciences University
24
25
26

1 CERTIFICATE OF FILING AND SERVICE

2 I certify that on October 16, 2003, I filed the foregoing **MOTION FOR EXTENSION OF**
3 **TIME TO RESPOND TO PLAINTIFFS' MOTION TO STRIKE OR IN THE ALTERNATIVE MAKE**
4 **MORE DEFINITE AND CERTAIN** by placing it in the U.S. Mail in a sealed envelope, properly
5 addressed and with sufficient postage, addressed to:

6 State Court Administrator
7 Supreme Court Building
8 Records Section
9 1163 State Street
10 Salem, OR 97310

11 I further certify that on October 16, 2003, I caused a true and correct copy of the
12 foregoing **MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFFS' MOTION TO**
13 **STRIKE OR IN THE ALTERNATIVE MAKE MORE DEFINITE AND CERTAIN** to be served on
14 the parties listed below by placing it in the U.S. Mail in a sealed envelope, properly
15 addressed and with sufficient postage, addressed to:

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17 Michael J. Morris, OSB #77283
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34 Board, State of Oregon, and State
35 of Oregon by and through the
36 State Board of Higher Education

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

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49 Oregon Health Sciences University