

1 IN THE SUPREME COURT OF THE STATE OF OREGON

2 In the Matter of the Petition of

Supreme Court No. S50656

3 JAMES K. WALSH,

**INTERVENORS' FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS TO  
DEFENDANT PUBLIC EMPLOYEES  
RETIREMENT BOARD**

4 Petitioner,

5 and

6 LEAGUE OF OREGON CITIES;  
7 OREGON SCHOOL BOARDS  
ASSOCIATION; and LANE COUNTY,

8 Intervenor.

9 To: Stephen S. Walters  
10 STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
11 Portland, OR 97204

12 Pursuant to the provisions of Rules 36 and 43 of the Oregon Rules of Civil  
13 Procedure, Intervenor request that Defendant Public Employees Retirement Board  
14 (hereinafter "the Board") produce for Intervenor's inspection and copying at the law offices  
15 of HARRANG LONG GARY RUDNICK P.C., 360 East 10<sup>th</sup> Avenue, Suite 300, Eugene,  
16 Oregon 97401, on or before 21 days from the date of service of this request, or at such other  
17 time and place as the parties may mutually agree, the following described documents:

18 **NOTICE:**

19 This request for production of documents is a continuing request through the time of  
20 the evidentiary hearing, and the Board is requested to update its responses to this request for  
21 production as additional documents become available to the Board.

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

1 **I. INSTRUCTIONS AND DEFINITIONS**

2 A. Each of these requests extends to any documents in the possession, custody  
3 or control of the Board. The document is deemed to be in the possession, custody or control  
4 of the Board if it is in the physical custody of the Board, or it is in the physical custody of any  
5 other person and the Board (a) owns such documents in whole or in part; (b) has a right to  
6 use, inspect, examine or copy such document on any terms; (c) has any understanding,  
7 express or implied, that the Board may use, inspect, examine or copy such document on any  
8 terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy such  
9 document.

10 B. "The Board" includes not only the Public Employees Retirement Board, but  
11 also its employee(s), staff, attorney(s), actuary(ies) and any other agent(s) whether directly  
12 or indirectly employed or retained. When used in these requests, "the Board" means any  
13 Board member or any combination of Board members or any one or combination of the  
14 Board's employee(s), staff, attorney(s), and any other agent(s).

15 C. "PERS" means the Oregon Public Employees Retirement System.

16 D. "Document" as used in this request, refers to any record or communication  
17 that would be a "writing," "recording," or "photograph," including the originals and  
18 nonidentical copies, whether different from the original by reason of any notation made upon  
19 such copy or otherwise, including, without limitation, correspondence, memoranda, notes,  
20 diaries, statistics, letters, telegrams, minutes, transcripts, contracts, reports, studies, checks,  
21 statements, questionnaires, receipts, returns, summaries, pamphlets, books, interoffice and  
22 intraoffice communications, bulletins, printed matter, invoices, worksheets, photographs,  
23 charts, test results, microfilm and electronic recordings.

24 E. As to any document which you fail to produce, state the location where such  
25 document can be found, the name of the possessor, when such documents left your  
26 possession or control and the reasons why you cannot produce such document.

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

5 **II. REQUESTS**

6 **REQUEST NO. 1:** All documents or records containing information related to the  
7 PERS covered employment of petitioner James K. Walsh. This request includes, but is not  
8 limited to, documents or records showing: petitioner's coverage category (e.g., Tier 1,  
9 general); petitioner's compensation, including their most recently determined Final Average  
10 Salary; petitioner's years and months of PERS creditable service; the month-by-month  
11 history of petitioner's employee contributions, whether made by petitioner or petitioner's  
12 employer; the history of petitioner's regular and variable annuity accounts, including interest  
13 credits and prior service credits purchased or restored, if any; any other information relevant  
14 to the determination of the benefits petitioner is receiving or may become eligible to receive;  
15 any projected benefits or retirement allowances; and the relevant demographic information

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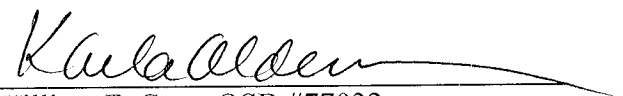
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for any beneficiaries designated by petitioner. This request does not include records concerning medical and psychological records (OAR 459-060-0020(1)(e)) or divorce decrees and related records (OAR 459-060-0020(1)(f)).

**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  
Ross M. Williamson, OSB #01454  
Of Attorneys for Intervenors League of Oregon Cities,  
Oregon School Boards Association, and Lane County

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 **CERTIFICATE OF SERVICE**

2 I certify that on November 11, 2003, I caused to be served true and correct copies of  
3 **INTERVENORS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT**  
4 **PUBLIC EMPLOYEES RETIREMENT BOARD** on the parties listed below by electronic  
transmission, and by placing the copies in the U.S. Mail in a sealed envelope, properly  
addressed and with sufficient postage, addressed to:

5 James K. Walsh, OSB #86312  
6 WISWALL & WALSH, P.C.  
7 PO Box 11736  
Eugene, OR 97440-3936  
info@wiswall-walsh.com

Stephen S. Walters, OSB #80120  
Barnes H. Ellis, OSB #64032  
Charles F. Hinkle, OSB #71083  
Jeremy D. Sacks, OSB #99426  
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, OR 97204  
sswalters@stoel.com

8 Of Attorneys for Petitioner

9  
10 Of Attorneys for State of Oregon

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

12 

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14 Sharon A. Rudnick, OSB #83083  
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16 Jerome Lidz, OSB #77263  
17 Karla Alderman, OSB #99207  
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19 Of Attorneys for Intervenors League of Oregon  
20 Cities, Oregon School Boards Association, and  
21 Lane County

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