

NOTICE OF PROPOSED DISMISSAL AND OF PROCEDURE FOR OBJECTING TO DISMISSAL

As a PERS participating employer (other than the State of Oregon or a State Agency), you are either a named petitioner or a putative class member in petitions for judicial review filed in 2003 under Case Nos. 03C13182, 03C13183, 03C13184, 03C13185, 03C13186, and 03C17944, (hereinafter, the “Consolidated 2003 Rate Order Challenge”). The Consolidated 2003 Rate Order Challenge sought to require PERB to adjust your 2003 employer contribution rate order to conform to the relief provided in the court’s judgment in consolidated Marion County Circuit Court Case Nos. 99C12794, 99C12838, and 00C16173 (the “City of Eugene” case). After the Consolidated 2003 Rate Order Challenge was filed, the petitioners in the City of Eugene case and PERB entered into a Settlement Agreement that provides that the relief sought in this action will be provided to all participating PERS employers. That Settlement Agreement was challenged in *White, et al. v. Public Employees Retirement Board*, Multnomah County Circuit Court, Consolidated Case Nos. 0404-04118 & 0411-11848 (hereinafter “*White*”). *White* has now been resolved and the Settlement Agreement, including the relief sought on your behalf in the Consolidated 2003 Rate Order Challenge, has been fully implemented.

Because the relief sought in the Consolidated 2003 Rate Order Challenge has been achieved through the Settlement Agreement, counsel for petitioners and for PERB concluded there is no basis for continuing this litigation and agreed to dismiss this action as part of a settlement of the *White* case. *See, White v. PERB*, 351 Or 426, 268 P3d 600 (2011). As a result, counsel for petitioners and for PERB have asked the court to enter a judgment of dismissal with prejudice in the Consolidated 2003 Rate Order Challenge. If the court agrees to do so, the claims asserted on your behalf in this action will be dismissed and you will be bound by that judgment of dismissal.

If you object to the dismissal of the Consolidated 2003 Rate Order Challenge, you must notify counsel for petitioners of your objection and the basis for your objection no later than June 9, 2013. Your objections must be in writing and delivered to:

Harrang Long Gary Rudnick P.C.
Attn: Objection to Dismissal of 2003 Rate Order Challenge
360 E. 10th Ave., Ste. 300
Eugene, OR 97401

Your objection may also be sent by email to: 2003rateorderchallenge@harrang.com

Your objection must state the entity on behalf of whom the objection is being made, and the name, address, telephone number, and email address of the person to contact concerning this objection. It must also specify the grounds for your objection and indicate the relief you contend should be provided in the Consolidated 2003 Rate Order Challenge.

If you would like additional information concerning this matter, you may contact Ginger Fullerton at 541-485-0220 or at ginger.fullerton@harrang.com