

3. I have not received a COLA from PERS for the years 2003, 2004, and 2005.

4. On or about March 10, 2006, PERS mailed me a copy of its order of January 27, 2006, outlining its intent to proceed with additional reductions in my pension benefits in an attempt to recoup alleged overpayment of 1999 earnings.

5. Attached as **EXHIBIT 1** to this affidavit and incorporated herein is a true and exact copy of my Statement of Entitlement from PERS.

Dated this ___ day of April, 2006.

Patricia Thompson Westover

SUBSCRIBED AND SWORN TO before me this ___ day of _____, _____.

Notary Public for Oregon
My Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **AFFIDAVIT OF PATRICIA THOMPSON WESTOVER IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT** upon the following persons at the following addresses:

Joseph M. Malkin/Emily R. Epstein
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by the following indicated method or methods:

- by **mailing** a copy thereof in a sealed, first-class postage-paid envelope, addressed to the attorney(s) listed above, and deposited with the United States Postal Service at Portland, Oregon, on the date set forth below.
- by **hand delivering** a copy thereof to the attorney(s) listed above, on the date set forth below.
- by **sending via overnight courier** a copy thereof in a sealed, postage-paid envelope, addressed to the attorney(s) listed above, on the date set forth below.
- by **faxing** a copy thereof to the attorney(s) at the fax number(s) shown above, on the date set forth below.

Dated this ___ day of April, 2006.

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Of Attorneys for Plaintiffs