IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

MICHAEL ARKEN, DALE CANNON, ROBYN CARRICO, CAROL YOUNG, JOHN HAWKINS, LESLIE HUNTER, RICK MULLINS, S.M. RUONALA, PATRICIA THOMPSON WESTOVER, and MYRNA WILLIAMS,) Case No. 0601-00536))
Plaintiffs,))
v. CITY OF PORTLAND, WESTERN OREGON UNIVERSITY, PORTLAND SCHOOL DISTRICT, CITY OF GRESHAM, LINN COUNTY, UNIVERSITY OF OREGON, PORTLAND COMMUNITY COLLEGE, MULTNOMAH COUNTY, CENTRAL SCHOOL DISTRICT 13J, FOREST GROVE SCHOOL DISTRICT #15, and the PUBLIC EMPLOYEES RETIREMENT BOARD,) AFFIDAVIT OF PATRICIA THOMPSON WESTOVER IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
Defendants.)
STATE OF OREGON)
COUNTY OF POLK)ss)

I, Patricia Thompson Westover, being first duly sworn, depose and say that:

1. I am a plaintiff in this action, am a resident of Polk County, Oregon, and make

this affidavit in support of plaintiffs' motion for summary judgment.

2. I was employed by Central School District 13-J, was a Tier One member of

PERS, a member of the OEA, and retired on July 1, 2000.

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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 Orrick, Herrington & Sutcliffe LLP Old Reserve Bank Bldg, 405 Howard St. San Francisco, CA 94105-2669 FAX: 1 (415) 773-5759 E-Mail: jmalkin@orrick.com Of Attorneys for Defendant Public Employees Retirement Board

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Defendants

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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.

Gregory A. Hartman, OSB 74128 hartmang@bennetthartman.com Aruna A. Masih, OSB 97324 masiha@bennetthartman.com Of Attorneys for Plaintiffs

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