

NEW CASE REPORT

Name of Case (full name):	Aratani, Drew v. California Public Employees' Retirement System
Date Received By Legal Office:	March 29, 2012
Attorney Contact(s):	John Mikita
Program Contact:	BNSD
Plaintiff(s):	Drew Aratani
Defendant(s):	CalPERS
Other Parties:	
Issues/Status:	This is Plaintiff's second attempt to sue CalPERS concerning the effective date of his disability retirement. On February 22, 2011, the Board adopted the OAH's Proposed Decision granting Plaintiff a disability retirement. CalPERS staff determined that the effective date for such pension was June 2009, Plaintiff's last paid date of work for CDCR, and paid him a lump sum of \$78,000. Mr. Aratani believes he is entitled to retroactive benefits starting in January 2005, which would be an additional \$170,000 payment. Plaintiff withdrew without prejudice his first Complaint with these allegations, after Legal staff filed a Demurrer based on failure to comply with the Government Tort Claims Act. Staff is preparing a similar Demurrer to this second Complaint.
Potential Monetary Impact:	Approximately \$170,000 to the PERF

Name of Case (full name):	Santa Clara County Correctional Peace Officers' Association v. County of Santa Clara; California Public Employees' Retirement System
Date Received By Legal Office:	April 3, 2012
Attorney Contact(s):	Marguerite Seabourn
Program Contact:	RAS
Plaintiff(s):	Santa Clara County Correctional Peace Officers' Association
Defendant(s):	County of Santa Clara
Other Parties:	CalPERS (Real Party in Interest)
Issues/Status:	<p>Plaintiffs brought this writ proceeding to compel Santa Clara County to comply with the Board's Decision of August 18, 2010, which held that the County shall report as compensation all the hours that correctional employees work over 80 and up to 85.75 hours under the "Twelve Plan", retroactive to the 2003/2004 fiscal year. The County did not appeal the Decision, yet the County still has not corrected its reporting to CalPERS nor transferred to CalPERS the appropriate funds resulting from the ordered corrections. CalPERS has repeatedly sought compliance from the County, with no results. Plaintiffs allege that, by failing to comply with the Board's Decision, the County is unlawfully denying retiring employees a portion of the pension they have earned. Plaintiffs seek no relief against CalPERS in this action.</p>
Potential Monetary Impact:	CalPERS may receive further funding of benefits.

Name of Case (full name):	Esau, Stacy A. v. California Department of Corrections and Rehabilitation; California Public Employees' Retirement System
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Date Received By Legal Office:	April 23, 2012
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Attorney Contact(s):	Renee Salazar
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Program Contact:	BNSD
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Plaintiff(s):	Stacy A. Esau
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Defendant(s):	CDCR, CalPERS
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Other Parties:	
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Issues/Status:	<p>This Complaint seeks a court order determining the amount that Plaintiff is entitled to receive for retroactive industrial disability retirement benefits, interest on those payments, attorney's fees and costs. CalPERS originally granted industrial disability retirement to Plaintiff with an effective date of May 2010. This date was selected because Plaintiff was on the Department of Correction's (CDCR) payroll from January 2009 to April 2010. The PERL directs that a disability retirement begin no earlier than the last paid date of employment. After extensive negotiations, Plaintiff persuaded BNSD that she deserved an earlier effective date of June 21, 2005, because her disability can be traced back to that date. On November 29, 2011, BNSD staff agreed to adjust her effective date back to 2005, but only if CDCR reversed out all payroll reported to CalPERS subsequent to 2005. This would avoid a double recovery to the Plaintiff of both salary and benefits for the time period from January 2009 to April 2010. Since then, CDCR has not reversed out this payroll</p>
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	and the State Controller's Office has not made any payroll adjustments.
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Potential Monetary Impact:	Unknown at this time.
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Name of Case (full name):	City of Sacramento v. California Public Employees' Retirement System; 300 Capitol Associates NF, L.P.; The Towers on Capitol Mall, LLC
Date Received By Legal Office:	Complaint filed March 27, 2012 – CalPERS not yet served.
Attorney Contact(s):	Javier Plasencia
Program Contact:	INVO
Plaintiff(s):	City of Sacramento
Defendant(s):	CalPERS; 300 Capitol Associates NF, L.P.; The Towers on Capitol Mall, LLC
Other Parties:	
Issues/Status:	Plaintiff seeks construction plan review fees, development fees and taxes associated with the application for a building permit for the Towers on Capitol Mall, in the amount of \$204,513.86. Plaintiff also seeks the payment of civil penalties of \$250/day from the date the defendants began construction on the property, as well as a fine equal to four times the applicable plan review and inspection fees associated with the construction work on the Towers.
Potential Monetary Impact:	Unknown at this time.

Name of Case (full name):	Neustadter, Barbara v. California Public Employees' Retirement System; Pleasant Hill-Martinez Joint Facilities Agency
Date Received By Legal Office:	April 23, 2012
Attorney Contact(s):	Marguerite Seabourn
Program Contact:	RAS
Plaintiff(s):	Barbara Neustadter
Defendant(s):	CalPERS, Pleasant Hill-Martinez Joint Facilities Agency
Other Parties:	
Issues/Status:	Petition for Writ of Mandate filed in Contra Costa County Superior Court to overturn Board's decision regarding member's final compensation, to prohibit CalPERS from using "underground regulations" to calculate retirement benefits, and to compel CalPERS to produce additional records under a PRA request. Member was a part time employee for a local agency receiving \$103.00/hr. pay which she claimed equals a final compensation of \$17,853/mo., if her part time pay is inflated to a full time pay. The Board decision held that this hourly pay did not constitute "compensation earnable" and ordered that her final compensation be based on her prior salary of \$6,405/mo. from BART.
Potential Monetary Impact:	Unknown at this time.