

**NEW CASE REPORT**

<b>Name of Case (full name):</b>	<b>Watkins, Robert Louis v. CalPERS; Jamie Pope</b>
Date Received By Legal Office:	5/13/13
Attorney Contact(s):	Jeanlaurie Ainsworth
Program Contact:	LEGO
Plaintiff(s):	Robert Louis Watkins
Defendant(s):	CalPERS; Jamie Pope
Other Parties:	
Issues/Status:	<p>This complaint was filed by Mr. Watkins alleging CalPERS is refusing to pay his retirement benefits. This complaint also alleges that, during a visit to the Sacramento office on February 4, 2010, his interaction with regional office staff caused him so much stress that he allegedly suffered a heart attack requiring his immediate transport to a hospital for treatment.</p> <p>On March 17, 2010, Plaintiff initially filed a similar complaint in the United States District Court, Eastern District, which was dismissed by the Court on April 12, 2012. Mr. Watkins filed the current complaint on December 2, 2011, while the first case was still pending in U.S. District Court.</p> <p>CalPERS denied Mr. Watkins' retirement benefits because he took a refund of his member contributions in 2005. CalPERS will file a demurrer based on failure to comply with the Government Claims Act, failure to exhaust administrative remedies and failure to state a claim upon which relief may be granted.</p>
Potential Monetary Impact:	Special damages in the sum of \$4,498.45. General damages in the sum of: \$13,495.95.

<b>Name of Case (full name):</b>	<b>McGilbra, Tenisha v Arnold, Kathy and CalPERS Long-Term Care Program</b>
----------------------------------	---

Date Received By Legal Office:	5/14/13
--------------------------------	---------

Attorney Contact(s):	Jeanlaurie Ainsworth
----------------------	----------------------

Program Contact:	OLTC
------------------	------

Plaintiff(s):	Tenisha McGilbra
---------------	------------------

Defendant(s):	Kathy Arnold; CalPERS Long-Term Care Program
---------------	--

Other Parties:	
----------------	--

Issues/Status:	Ms. McGilbra filed a claim with the Labor Commissioner alleging the CalPERS Long Term Care Program did not pay her for care services rendered to member Kathy Arnold. CalPERS attended a pre-hearing conference at which the Commissioner explored whether he had jurisdiction over the claim and whether the parties were interested in settling. When no settlement was achieved, the Commissioner decided to set the case for hearing and requested that CalPERS file a letter brief explaining why it is not the employer of the Plaintiff.
----------------	---

Potential Monetary Impact:	Unpaid wages in the amount of \$2,268. Liquidated damages in the amount of \$1,008. Penalties in the amount of \$4,320.
----------------------------	---

<b>Name of Case (full name):</b>	<b>Kia, Laila v. CalPERS</b>
----------------------------------	------------------------------

Date Received By Legal Office:	5/22/13
--------------------------------	---------

Attorney Contact(s):	Marguerite D. Seabourn
----------------------	------------------------

Program Contact:	HAS
------------------	-----

Plaintiff(s):	Laila Kia
---------------	-----------

Defendant(s):	CalPERS
---------------	---------

Other Parties:	
----------------	--

Issues/Status:	<p>This is the third complaint filed by Ms. Kia against CalPERS for alleged violations of the regulations pertaining to COBRA notifications for the ex-spouse of a member. Ms. Kia's first two complaints were filed in federal court. The first case was voluntarily dismissed by the plaintiff's attorney after CalPERS filed a Motion to Dismiss based on failure to comply with the Government Claims Act.</p> <p>The second case was voluntarily dismissed by the plaintiff's attorney after CalPERS filed a Motion to Dismiss based on Eleventh Amendment immunity, as well as failure to comply with the Government Claims Act.</p> <p>This third complaint has been filed in state court. CalPERS' responsive pleading is due by July 5, 2013. This complaint contains four Causes of Action all arising from alleged violations of the COBRA notice provisions and the handling of Ms. Kia's complaints by CalPERS. It is anticipated that CalPERS will file a demurrer to this Complaint based on grounds similar to those that were successful in the prior two cases.</p>
----------------	---

Potential Monetary Impact:	Unknown at this time.
----------------------------	-----------------------