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MAR 22 2013  
Office of Administrative Hearings  
LOS ANGELES

6 Attorneys for Petitioner, California Public  
Employees' Retirement System  
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9 **BEFORE THE BOARD OF ADMINISTRATION**  
10 **CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

11 In the Matter of Applicability of Government  
Code Section 20638 to Member Fred Guido:

Case No. 9711  
OAH No. 2012030387

12 **FRED GUIDO,**

**CALPERS' REQUEST FOR OFFICIAL  
NOTICE**

13 Respondent,

Hearing Date: November 13, 2012 through  
November 16, 2012 at 9:00 a.m.

14 **CITY OF CUDAHY,**

15 Respondent.  
16  
17

Place: Office of Administrative Hearings  
320 West Fourth St.,  
6th Floor, Suite 630  
Los Angeles, CA

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19 **REQUEST FOR OFFICIAL NOTICE**

20 Pursuant to Government Code section 11515 and Evidence Code sections 452 and 453,  
21 CalPERS respectfully requests that the Court take official notice of the Legislative History of Senate  
22 Bill 53 (1993-1994). Attached hereto as Exhibit A is the Declaration of Maria A. Sanders, of  
23 Legislative Intent Services, Inc. Enclosed with the overnight mail copy of this Request for Official  
24 Notice is a CD containing a PDF copy of the entire 985-page Legislative History materials  
25 referenced in Ms. Sanders' declaration. These materials are provided to the Court and the parties in  
26 the same form in which we received them from Legislative Intent Services, Inc., except that we have  
27 added the page numbers in the bottom right corner of each page for ease of reference and citation.

28 The bill analyses that CalPERS cites in its Post Hearing Brief are precisely the kind of

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STATE'S  
EXHIBIT  
**52**

1 materials the courts have approved as appropriate legislative history. *See Board of Administration v.*  
2 *Wilson* (1997) 52 Cal.App.4th 1109, 1133.

3 These materials are relevant to this matter, because they show that the California Legislature  
4 understood that the type of increased allowance Guido seeks here was a “windfall” and that the  
5 Legislature took action to close the statutory loophole giving rise to that windfall. CalPERS  
6 contends that this understanding of the Legislature is relevant to the Court’s balancing of the  
7 equities, as more fully set forth in CalPERS’ Post-Hearing Brief, filed and served herewith.

8  
9 DATED: March 21, 2013.

10 REED SMITH LLP

11 By \_\_\_\_\_

12 Jeffrey R. Rieger  
13 Attorneys for Petitioner California Public  
14 Employees Retirement System  
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