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Attorneys for Petitioner,
Board of Administration of the California
Public Employees' Retirement System

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OFFICE OF ADMINISTRATIVE HEARING
LOS ANGELES

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BEFORE THE BOARD OF ADMINISTRATION

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of Applicability of Government Code Section 20638 to Member Fred Guido: FRED GUIDO, Respondent, CITY OF CUDAHY, Respondent.	Case No. 9711 OAH No. 2012030387 **NOTICE OF HEARINGS** Prehearing Conference and Mandatory Settlement Conference: October 1, 2012 at 1:30 p.m. Hearing Date: November 13, 2012 through November 16, 2012 at 9:00 a.m. Place: Office of Administrative Hearings 320 West Fourth St., 6th Floor, Suite 630 Los Angeles, CA

To the above-named Respondents, by service on their attorneys of record:

You are hereby notified pursuant to the Office of Administrative Hearing's Telephonic Trial Setting Conference Order dated April 3, 2012, that proceedings will be held before the Office of Administrative Hearings, at 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California as follows: (a) a Prehearing Conference and Mandatory Settlement Conference will be held on October 1, 2012, at 1:30 p.m. before the Office of Administrative Hearings, at 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California; and (b) the hearing on the matter will begin at 9:00 a.m. on November 13, 2012 and will continue, as necessary, at 9:00 a.m. each day through

November 16, 2012. A copy of the Telephonic Trial Setting Conference Order is attached hereto as Exhibit A.

Government Code section 11508(c) provides that, if a party objects to the place of hearing, that party must make a motion to the administrative law judge within 10 days after this notice is served on the party. Failure to notify the administrative law judge within 10 days will deprive a party of a change in the place of the hearing. Pursuant to Government Code section 20134, however, for appeals to the CalPERS Board of Administration, such as this appeal, "[s]ection 11508 shall not apply, and the hearing shall be held at the time and place determined by the board." Board Regulation 555 delegates the Board of Administration's authority regarding the hearings process to the CalPERS Executive Officer and his/her subordinates. In this case, CalPERS has determined that the Los Angeles OAH is the most appropriate forum for this hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are also entitled to represent yourself without legal counsel. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Los Angeles Office of Administrative Hearings.

DATED: April 12, 2012.

REED SMITH LLP

By Jeffrey R. Rieger | HL

Jeffrey R. Rieger
Attorneys for Petitioner, Board of Administration of the California Public Employees Retirement System

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EXHIBIT A

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BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In re the Matter of Applicability of Government Code Section 20638 to Member Fred Guido: FRED GUIDO, Respondent, CITY OF CUDAHY, Respondent.	Case No. 9711 OAH No. 2012030387 TELEPHONIC TRIAL SETTING CONFERENCE ORDER

A telephonic trial setting conference in the matter entitled above was held on March 30, 2012 before Susan Formaker, Presiding, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California.

The following appearances were made: Jeffrey Rieger, Attorney at Law, for Complainant; John Jensen, Attorney at Law, for Fred Guido; Juanda Daniel, Attorney at Law, for City of Cudahy.

The following order is issued:

1. HEARING. The hearing in this case will commence on **November 13, 2012** at **9:00 a.m.**, and proceed on a day-to-day basis until completed through **November 16, 2012**, at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630 Los Angeles, California **[or]** a location in * to be designated by the agency in its notice of hearing. If they have not already done so, the parties shall immediately notify all potential witnesses of the hearing dates in this case in order to assure that the witnesses will be available to appear on the current hearing dates. A witness will not be regarded as unavailable for purposes of showing "good cause" to continue the hearing pursuant to Government Code section 11524, if a party has failed to notify the witness of the hearing dates promptly.

2. PREHEARING CONFERENCE AND MANDATORY SETTLEMENT CONFERENCE. A prehearing conference and mandatory settlement conference will be held on **October 1, 2012, at 1:30 p.m.**, before an Administrative Law Judge at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California. Prehearing conference statements prepared in accordance with Government Code section 11511.5 and California Code of Regulations, title 1, section 1026, must be filed with the Office of Administrative Hearings and served on all other parties no later than three

business days before the scheduled prehearing conference. Filing and service may be made by facsimile transmission.

3. Agency counsel, respondents and respondents' representatives shall appear in person at all settlement conferences, unless excused by an administrative law judge of the Office of Administrative Hearings. An agency representative who is familiar with the case, and has authority to approve settlement terms subject to approval by the agency head, must be available to participate in each settlement conference by telephone, unless excused by an administrative law judge of the Office of Administrative Hearings.

4. Counsel for Complainant must send notice of the time, date and place of the hearing to all other parties within 10 days of the date of this Order and file a copy of the notice with the calendar clerk at the Office of Administrative Hearings, 320 West Fourth Street, 6th Floor, Suite 630, Los Angeles, California 90012.

5. Proceedings before the Office of Administrative Hearings may be governed by the Administrative Procedure Act (Gov. Code, §§ 11370-11529) and regulations relating to general APA hearing procedures (Cal. Code Regs., tit. 1, §§ 1000-1050). Parties to proceedings before the Office of Administrative Hearings should refer to these statutes and regulations for applicable procedures and requirements.

6. An administrative law judge may impose sanctions and/or certify the record for contempt, if a party fails to comply with the requirements of this Order or any other law applicable to this proceeding. (See Gov. Code §§ 11455.10-11455.30.)

DATED: April 3, 2012

SUSAN FORMAKER
Presiding Administrative Law Judge
Office of Administrative Hearings

SF:sp

DECLARATION OF SERVICE

Case Name: Guido, Fred **OAH No.: 2012030387**

I, Sylvia Padilla, declare as follows: I am over 18 years of age and am not a party to this action. I am employed by the Office of Administrative Hearings. My business address is 320 West Fourth Street, Suite 630, Los Angeles, CA 90013. On April 9, 2012, I served a copy of the following document(s) in the action entitled above:

TELEPHONIC TRIAL SETTING CONFERENCE ORDER

to each of the person(s) named below at the addresses listed after each name by the following method(s):

Jeffrey R Rieger, Attorney at Law
Reed Smith LLP
101 Second Street, Suite 1800
San Francisco, CA 94105-3659

John M. Jensen, Attorney at Law
Law Offices of John Michael Jensen
11500 W. Olympic Blvd., Suite 550
Los Angeles, CA 90064

Juanda L. Daniel, Attorney at Law
Oliverez Gallagher & Padilla PC
1100 S. Flower Street
Los Angeles, CA 90015

☒ **United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed above, and placed the envelope or package for collection and mailing, in accordance with the Office of Administrative Hearings' ordinary business practices, in Los Angeles, California. I am readily familiar with the Office of Administrative Hearings' practice for collecting and processing documents for mailing. Correspondences are deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid. [☐ by certified mail].

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Los Angeles, California on April 9, 2012.

Sylvia Padilla, Declarant

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On April 12, 2012, I served the following document(s) by the method indicated below:

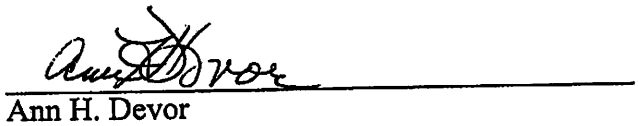
NOTICE OF HEARINGS

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

Attorneys for Respondent
Fred Guido
John Michael Jensen
Law Offices of John Michael Jensen
11500 W. Olympic Blvd., Suite 550
Los Angeles, CA 90064
Telephone: 310-312-1100

Attorneys for Respondent
City of Cudahy
Juanda Lowder Daniel
Olivarez Gallagher & Padilla PC
1100 S. Flower St., Suite 2100
Los Angeles, CA 90015
Telephone: 213-744-0099
Facsimile: 213-744-0093

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on April 12, 2012, at San Francisco, California.



Ann H. Devor

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