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4 Los Angeles, CA 90064  
5 (310) 312-1100

6 Attorney for Petitioner Bruce V. Malkenhorst, Sr.

7  
8 **BEFORE THE BOARD OF ADMINISTRATION**  
9 **CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

10 In re the retirement benefits of CALPERS CASE NO.: 2012-0671  
11 BRUCE V. MALKENHORST, SR., ) OAH CASE NO.: 2013080917  
12 and ) **MALKENHORST'S TRIAL BRIEF, AND**  
13 CITY OF VERNON, a California charter ) **RESERVATION OF RIGHT TO MAKE**  
14 city, ) **AN OPENING STATEMENT,**  
15 Respondents. ) **REQUEST FOR RULING ON NEW AND**  
16 ) **RENEWED MOTIONS IN LIMINE,**  
17 ) **MOTION TO DISMISS, OBJECTIONS**  
18 )  
19 ) Hearing: August 25-27, 2014 and  
20 ) September 3-4, 2014  
21 ) Location: Los Angeles OAH

22 Respondent Bruce V. Malkenhorst, Sr. hereby informs the Court that he does not intend  
23 to submit a written opening Trial Brief at this time.

24 Malkenhorst disagrees with and disputes all matters raised in CalPERS' Trial Brief,  
25 including as inaccurate, lacking evidentiary foundation, and without support in law.

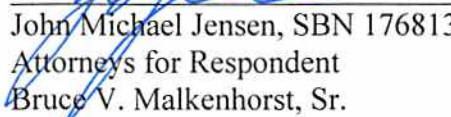
26 Malkenhorst reserves his right to make an opening statement at the beginning of his  
27 presentation of his case, currently scheduled to begin on the afternoon of the third scheduled day  
28 of hearing on August 27, 2014, and make other briefing.

In addition, Malkenhorst renews his *Motion to Dismiss* at the threshold, re-asserts the  
objections raised in the motions in limine, and requests the court rule on the pending (1) new and

1 renewed *Motions in Limine* et al to exclude the ADP reports and testimony based thereon and (2)  
2 the *Motion to Amend the Notice of Defense* to assert the claims against Vernon which the  
3 Superior Court required to be exhausted in the administrative process.

4  
5 Respectfully,

6  
7 Dated: August 22, 2014

  
8 John Michael Jensen, SBN 176813  
9 Attorneys for Respondent  
10 Bruce V. Malkenhorst, Sr.

1 PROOF OF SERVICE

2 I am a resident of the State of California, over the age of eighteen years, and not a  
3 party to the within action. My business address is Law Offices of John Michael Jensen,  
4 11500 West Olympic Blvd, Suite 550, Los Angeles, CA 90064-1524.

5  
6 On August 22, 2014, I served the following document (s) by the method indicated below:

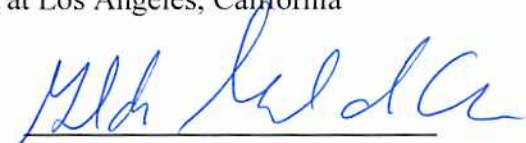
7 **MALKENHORST'S TRIAL BRIEF, AND RESERVATION OF RIGHT TO MAKE AN**  
8 **OPENING STATEMENT,**  
9 **REQUEST FOR RULING ON NEW AND RENEWED MOTIONS IN LIMINE, MOTION**  
10 **TO DISMISS, OBJECTIONS**

11 By placing the document (s) listed above in a sealed envelope (s) and consigning it First  
12 Class Mail through the U.S. Postal Service to the address (es) set forth below.

13 Jason Levin  
14 Steptoe & Johnson LLP  
15 633 West Fifth St. Suite 700  
16 Los Angeles, CA 90071

17 Joung Yim  
18 Liebert Cassidy and Whitmore  
19 6033 West Century Blvd, 5<sup>th</sup> Floor  
20 Los Angeles CA 90045

21 I declare under penalty of perjury under the laws of the State of California that the  
22 above is true and correct. Executed on August 22, 2014, at Los Angeles, California

23  
24   
25 Griselda Montes De Oca

26  
27  
28