



BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Richard Lewis v. California Public Employees' Retirement System

Agency / Agency Case No. 2014-0256

OAH No. 2014040945

SUBPOENA: *Requesting Testimony* **SUBPOENA DUCES TECUM:** *Requesting the Production of Records or Things*

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETINGS TO:	<i>(name and address of person being subpoenaed)</i> Person Most Knowledgeable City of San Bernardino 300 N. "D" Street, Fourth Floor San Bernardino, CA 92418
1. At the request of <input type="checkbox"/> Petitioner <input checked="" type="checkbox"/> Respondent <i>(party name)</i> Richard Lewis	<i>(name, address and telephone number of contact person)</i> Law Offices of John Michael Jensen, 11500 W. Olympic Blvd., Suite 550, Los Angeles, CA 90064 PH: (310) 312-1100

2. You are hereby commanded, business and excuses being set aside, to appear as a witness on:

(date) October 13, 2014, *at (time)* 10:00 am, *and then and there to testify at: (location)*

OAH, 2349 Gateway Oaks Drive, Suite 200, Sacramento CA 95833 OAH, 320 West Fourth Street, Room 630, Los Angeles CA 90013
 OAH, 1515 Clay Street, Suite 206, Oakland CA 94612 OAH, 1350 Front Street, Room 3005, San Diego CA 92101
 Other: 650 E. Hospitality Lane, Ste 330, San Bernardino, CA 92408

3. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271. (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 2 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the Office of Administrative Hearings at the address checked in item 2. (4) Mail a copy of your declaration to the attorney or party shown in item 1.

4. You are not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code section 1561.
 By _____ *(date)*, send the records to:

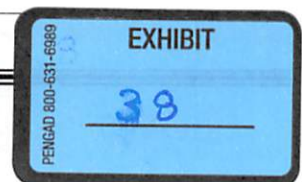
NOTE: This manner of production may not satisfy the requirements of Evidence Code section 1561 for admission at hearing.

5. You are ordered to appear in person and to produce the records described in the accompanying affidavit. The personal appearance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562 of the Evidence Code will not be deemed sufficient compliance by this subpoena.

- 6. **Disobedience to this subpoena will be punished as contempt of court in the manner prescribed by law.**
- 7. **Witness Fees:** Upon service of this subpoena, you are entitled to witness fees and mileage actually traveled both ways, as provided by law, if you so request. You may request them before your scheduled appearance from the person named in item 1. *See Government Code sections 11450.05, 11450.50, 68092.5-68093, and 68096.1-68097.10.*
- 8. **IF YOU HAVE ANY QUESTIONS ABOUT WITNESS FEES OR THE TIME OR DATE YOU ARE TO APPEAR, OR TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED ON THE DATE AND TIME SPECIFIED ABOVE, CONTACT THE PERSON REQUESTING THIS SUBPOENA, LISTED IN ITEM 1 ABOVE, BEFORE THE DATE LISTED IN ITEM 2 ABOVE.**

(Date Issued) September 30, 2014 *(Signature of Authorizing Official)* _____

(Printed Name) John Michael Jensen *(Title)* Attorney for Respondent Richard Lewis



DECLARATION FOR SUBPOENA DUCES TECUM

(Any party issuing a subpoena for production of books and/or records must complete this section.)

Respondent Richard Lewis is demanding the presence and testimony of the Person Most Knowledgeable at the City of San Bernardino ("City") concerning City's agreements or resolutions to provide any employees of the San Bernardino Fire Department ("SBFD") with the right to include Employer Paid Member Contributions ("EPMC") in their "final compensation" reported to the California Public Employees' Retirement System ("CalPERS") and have that EPMC included in the employees' compensation used to calculate their eventual pension allowances.

Deponent is required to bring with him or her at the time of appearance the originals or true and correct copies of all documents in the possession or under the control of the City that refer or relate to all City resolutions in effect as of the time of Lewis' retirement from the SBFD in November 2012 concerning the City's agreement to provide rank-and-file and management employees of the SBFD with the right to include Employer Paid Member Contributions in their "final compensation" reported to CalPERS for pension allowance calculation purposes.

(Use additional pages, if necessary, and attach them to this subpoena.)

Executed September 30, 2014, at Los Angeles, California.

I declare under penalty of perjury that the foregoing is true and correct.

(Signature of Declarant)

METHOD OF DELIVERY of this subpoena:

Personal Service – In accordance with Code of Civil Procedure sections 1987 and 1988, delivery was effected by showing the original and delivering a true copy thereof personally to:

Messenger Service – In accordance with Government Code section 11450.20, an acknowledgement of the receipt of this subpoena was obtained by the sender after it was delivered by messenger to:

Certified Mail, Return Receipt Requested – I sent a true copy of this subpoena via certified mail, return receipt requested to:
(name and address of person)

at the hour of _____ m., on _____, 20_____.

City of _____, State of _____.

(Signature of Declarant)