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February 23, 2015
BY EMAIL AND U.S. MAIL

Wesley Kennedy
Senior Staff Counsel
CalPERS Legal Office
PO Box 942707
Sacramento, CA 94229-2707

**Re: In Re the Pension Calculation of Richard Lewis
CalPERS Case No. 20140256, OAH Case No.: 2014040945**

Dear Mr. Kennedy:

My office just received a telephone call from Faith at the San Diego offices of the OAH. She said that Judge Matyszewsky will be keeping both Wednesday and Thursday on-calendar for the hearing in this matter.

I am writing to discuss scheduling. Much of this is addressed in my letter to Judge Matyszewsky sent on Friday afternoon, but I am repeating it here just to make sure we are both on the same page.

Wednesday, February 25, 2015:

The hearing begins on Wednesday at 10:00 am. I intend to call the following witnesses:

10:00 am – Stephanie Easland (former Assistant City Attorney for the City of San Bernardino)

11:00 am – Corey Glave (who represented Mr. Lewis in the settlement with the City).

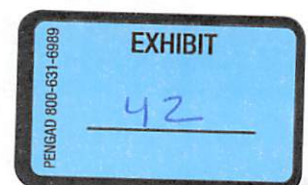
1:00 pm – Wendy McCammack (former City Councilmember).

If we have additional time, Mr. Lewis will be present and can resume his testimony.

Thursday, February 26, 2015:

The hearing begins on Thursday at 9:00 am. I intend to call the following witnesses:

9:00 am – Anthony Suine, Division Chief of the CalPERS Benefits Services Division. I previously subpoenaed Mr. Suine to bring documents and testify about CalPERS' policies for determining the "final compensation" of safety employees (a) who have a one year final compensation period, (b) who are placed on disability leave from active duty, (c) who remain on



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disability leave for at least the final year of their employment without performing any active duty employment responsibilities, and (d) who then retire without returning to active duty.

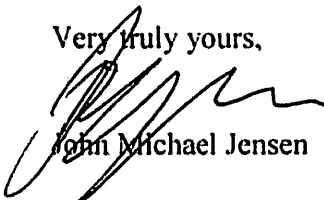
I also informed you that I would be willing to accept the testimony of another CalPERS representative in Mr. Suine's place if you preferred, so long as that individual is qualified to bring documents and testify about the same issues set forth above. If you intend to have someone else from CalPERS testify in Mr. Suine's place, please let me know immediately.

Once this individual's testimony is completed, we can finish up the direct and cross-examination of Mr. Lewis if that was not completed on Wednesday and I will rest my case.

You can then present the testimony of David Clement and anyone else you intend to call at the hearing.

I do not have any problem with trying to get through the witnesses as quickly as possible, but will not agree to either waive my right to take relevant testimony or cut the examination short in a way that prevents me from obtaining the testimony needed to defend Mr. Lewis in this case.

Very truly yours,



John Michael Jensen

JMJ:gm
cc: Richard Lewis