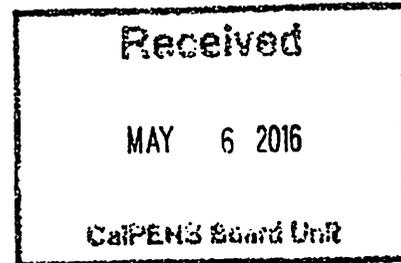


ATTACHMENT C
RESPONDENT'S ARGUMENT

Cheree Swedensky, Assistant to the Board
CalPERS Executive Office
P.O. Box 942701
Sacramento, Ca. 94229-2701



Date: May 2, 2016

“ Respondent’s Argument”

I am respectfully requesting that you Delay your “ Proposed Decision” in the Matter of the Cancellation of the Application for Industrial Disability Retirement of FREDERICK JOHNSON, Respondent- Ref No. 2014-0148. For a period of 90 days from the date of this letter.

I, Frederick Johnson, am in litigation in California Superior Court, Los Angeles County, at this time, for the purpose of a claim I filed against the attorney who represented me before the State Personnel Board Appeal Hearing that sustained the termination of my employment with the Department of Corrections/ Valley State Prison. I filed a claim of negligence against the attorney for withholding/ not producing exculpatory evidence that would have changed the outcome of my Appeal.

This withholding of evidence enabled Valley State Prison to use the defense of:

1. *Haywood vs. American River Fire Protection District* (1999) 67 Cal. App 4th 1292 (*Haywood*).
2. *Smith vs. City of Napa* (2004) 120 Cal. App 4th 194 (*Smith*).
3. *Precedential Decision, In the Matter of the Application for Industrial Disability of Robert Vandergroot*.

I humbly request that you allow the legal proceedings that is before the California Superior Court, to go forward before you make your decision. The facts in my claim will prove that I would have applied for Industrial Disability due to the injuries I suffered while employed and that the above-mentioned cases would not have been a defense for Valley State Prison in denying my Industrial Disability claim and that I was indeed a victim of “calumny“, which caused me mental and psychological stress, along with the physical injury I sustained.

Respectfully Submitted,


Frederick Johnson

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