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REED SMITH

PAUL G. MAST - Bar No. 28390
Attorney at Law
[redacted]
Fax: [redacted]
Email: [redacted]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

FAY STANIFORTH and MARK STANIFORTH, heirs of ROBERT STANIFORTH, et al.,

Plaintiffs and Petitioners.

vs.

THE JUDGES' RETIREMENT SYSTEM, administered by the BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF CALIFORNIA, and DOES 1-30,

Defendants and Respondents.

JOHN CHIANG, CONTROLLER OF THE STATE OF CALIFORNIA,

Real Party In Interest

Case No: 37-2012-00093475-CU-MC-CTL

DECLARATION OF PAUL G. MAST REGARDING ISSUE OF ATTORNEY FOR PETITIONERS

Date: August 17, 2012
Time: 10:00 a.m.
Dept.: C-66

Honorable Joel M. Pressman

Petition Filed: March 8, 2012

Paul G. Mast (Mast) hereby objects to the Proposed Order Designating Jorn S. Rossi as Counsel for Petitoners with Sole Authority to Act on Behalf of Petitioners. Mast never stipulated to such designation or such order, and was never given notice of any Motion (there has not been one) that would lead to such an order. Declarant was advised by Ms. Scofidio, Court Reporter, Dept 66 that the proceedings at the Status Conference

were not reported. Therefore Mast cannot respond to the specific statements and/or allegations made at that time that cased the Court to order that he be removed from the case. Therefore, Mast must give a complete rendition of what has transpired in this case.

August 14, 2012

Paul G. Mast

DECLARATION OF PAUL G. MAST

Paul G. Mast hereby declares under penalty of perjury that if called as a witness he could competently testify that:

He is one of the Attorneys of Record for the Petitioners and Complainants in this matter.

The history and pertinent facts of the development of this case are the following:

INITIATION OF THE CASE

Declarant is a retired judge from Orange County, California. Upon the onset of his retirement benefits in 1995, Declarant found that his benefits were being underpaid in that the benefits had not been increased in accordance with COLA and with Olson v. Cory, I. Declarant made the proper claim and administrative proceedings began. Upon Declarant briefing the law, the Judges' Retirement System (JRS) admitted that the retirement benefits should reflect COLA increases as stated in Olson v. Cory. A Settlement Agreement was entered into and the benefits were properly made thereafter until 2002 when there was a personnel change at JRS. Protracted discussions were had leading to the resumption of the COLA increases, but a difference of position as to the amount owed in the intervening period could not be resolved.

In October 2010, Declarant advised Jorn Rossi (Rossi) of the problem. Declarant also informed Rossi that once the matter of Declarant's dispute was revealed, it would be known to other judges that they should have been receiving cost of living adjustments. Declarant asked Rossi if he could suggest a firm that would be willing to take on the matter. He said that he would like to do so himself. Declarant provided Rossi with a copy of the Points and Authorities that Declarant had filed as part of the administrative proceeding.

Declarant and Rossi then agreed to associate in presenting the claims of any retired judges who would choose to retain Rossi to represent them. Declarant and Rossi agreed that any fees that would be received would be divided equally between the two of them after costs and expenses were reimbursed to each of them.

Declarant then told Rossi the terms of a contingent retainer agreement that Rossi should offer to other judges. Rossi agreed. Declarant wrote a letter of to other judges explaining his history of applying for retirement benefits, the procedure that he followed to receive COLA benefits, and the results of the proceeding. Rossi included this letter when he contacted other judges and obtaining retainer agreements from them.

At the inception, it was contemplated that Rossi would perform all legal services for the proposed clients. It quickly became apparent that he did not have the ability to do so.

Therefore, of necessity Declarant began performing the following legal services.

Declarant provided Rossi with the names and addresses for certain retired judges who Declarant believed would have been owed accrued retirement benefits and interest.

Rossi contacted such retired judges, obtained retainer agreements and authorizations to obtain the Judge's Retirement System (JRS) files from JRS. He then sent the authorizations to JRS to obtain the files.

When Rossi received the clients' files from JRS, they were given to Declarant who thoroughly examined each of them. In examining the files, other issues (that JRS refers to as peripheral issues) were discovered by Declarant. These included failure to properly adjust benefits upon the unification of the Municipal and Superior Courts, problems with the implementation of Government Code §§75025 and 75033.5, applying the 1989 "JRS Community Property Law" retroactively, and the failure to award military service pursuant to Government Code §20930.3.

After receiving the files, Declarant analyzed all the files, prepared all the accountings of benefits due, prepared each of the claims (Exhibits 2 through 84 to the Petition), and prepared a statement of the applicable law that accompanied each claim. Rossi signed each claim.

The accountings were and are prepared on a computer program that Declarant designed and had professionals program under his direction and to his specifications.

After filing many of the claims which are the subject of these proceedings, and

considering the delay in providing, files and having no response to the claims, Declarant decided, and Rossi concurred, that our only recourse was to file a Petition for Writ of Mandate and Complaint for Declaratory Relief.

Declarant wrote and prepared the Petition for Writ of Mandate and Complaint for Declaratory Relief, the Points and Authorities, and the Declaration of the Declarant. Rossi was given copies of all drafts and the finished product, but took no part in preparing the documents. Declarant sent the final draft for review to a judge in Santa Clara County and to Professor Emeritus William Reppy, Jr. at Duke University School of Law. Shortly thereafter Declarant gave the final draft to Rossi to file and left on a cruise. During his vacation, Declarant received cogent suggestions from Professor Reppy and immediately stopped Rossi from filing the Petition and Complaint. Declarant then re-wrote the final document and Rossi filed it on March 8, 2012. The Petition and other documents were signed and verified by Declarant.

Subsequent thereto, Declarant suggested to Rossi, and he concurred, that we engage Professor Reppy to assist us in the preparation of all briefs. Declarant did so engage him.

More recently, Declarant has prepared the Motion for issuance of the Writ of Mandate and for Judgment on the Complaint for Declaratory Relief; the Points and Authorities thereto, together with Professor Reppy; and the accompanying Declaration of Paul G. Mast. It is intended that these be filed shortly. Rossi has been given copies of all drafts of these documents.

Subsequent to the Demurrer of Respondents, Declarant prepared the Response with the assistance of Professor Reppy. Rossi was given copies of all drafts and the final product, but did not take part in its preparation, other than making some criticism.

During the preparation for the Response to the Demurrer, Declarant discovered the matter of the three judges in San Diego County who had been convicted of felonies. Declarant asked Rossi to have his attorney service obtain a copy of the G. Dennis Adams case. In reviewing that file, Declarant discovered the Legislature case and concluded that the issues therein needed to be included our case.

At the hearing on the demurrer, Declarant argued for Petitioners and Complainants. The demurrer was over-ruled.

After the hearing, on the sidewalk in front of the Courthouse, Rossi started yelling at

Declarant. Declarant was amazed and had no understanding of what he was yelling about. It still is unclear, but it seems to have had something to do with Rossi's opinion that Declarant's argument was "not smooth"; that Declarant should not have answered Mr. Rieger's arguments, but should have submitted on the tentative and remained silent after Mr. Rieger argued; that after the hearing Declarant should not have had a conversation with Mr. Rieger; and that Declarant should not have served a Notice to Produce Documents. In regard to the latter, Declarant told Rossi that he sent a copy of the draft to Rossi with a request for corrections and suggestions, and that Rossi did not reply. Rossi said he did reply, and Declarant told him that he would check his email (which he later did and found no reply). Declarant told Rossi to calm down, this was no place to discuss these things and we could discuss them over the weekend. At no time did Declarant raise his voice to Rossi or argue with him.

Professor Reppy and Declarant's wife were present during this episode in front of the Court. Rossi pushed Declarant's wife at that time. Declarant's wife is a disabled, inactive attorney.

SUBSEQUENT TO THE DEMURRER HEARING – MAY 25, 2012

After the above Declarant returned to Orange County and resumed working on the case, sending copies of what Declarant was doing to Rossi. Declarant had no response from him or any indication he was still in the same frame of mind. Declarant phoned Rossi the day after the hearing and frequently thereafter, and never received an answer or a call back.

Declarant sent the attached (Attachment 1) emails to Rossi relating to his tantrum in front of the court and relating to other matters declarant was preparing on the case and did not receive a response to **any** of them. On this and other attachments, confidential matters and matters not relevant to these proceedings have been redacted.

The first Declarant knew of any ongoing problem was from an email Declarant received on May 29, 2012 from Mr. Rieger advising Declarant that Rossi had filed a document entitled "Termination of Counsel" with the Court. His email and Declarant's response are attached (Attachment 2).

Subsequently Declarant continually attempted to communicate with Rossi by email and by telephone, urging him to talk to him about whatever problems we have and pointing out to him how necessary this was for the good of our clients. The emails are attached

(Attachment 3). There was no answer to any email or telephone call.

Declarant sent the following email to Rossi. There was no response.

Resolution
May 29, 2012 7:01 PM

Hi Jorn,

Even though I asked you as best as I could to communicate with me, you haven't. The only thing I can make out of that is that you want our "partnership" to end. When we started this project, you asked me how we would split the fees. I said 50-50 and you were delighted with this. Although I was not expecting to do any of the work, it did not work out that way. I referred to that in another email, so I will not repeat it.

I respect your intelligence and your ability and I thought we were accomplishing a lot. From your letter to Jeff, apparently this all stems from the Notice to Produce. I am sorry for this misunderstanding. You said you replied to my email, but as I said I checked and I did not receive it. If you check, I think you will see it did not get sent. This, however, even if it were my mistake would not be cause to decimate our excellent relationship and friendship. You should know, however, that I did discover the need in such a Notice to include a time and date of return, and an address for the return. I served that a few days before the hearing. I think May 21.

I do not want you to leave what we have built and accomplished so far, but that seems to be your choice. You have spent a lot of time on the project and deserve to be compensated. I would suggest this [redacted]

I am sorry it has come to this. I do not want this and I am grieving about it.

Please do not ignore this. It is important that we resolve whatever problems you have with me and stay together, or that we arrange for this agreement for the good of our clients.

Paul

Declarant then received a letter from Rossi, which is attached (Attachment 4). Declarant's reply is attached (Attachment 5).

On June 4, ten days had passed since the demurrer hearing with complete silence from Rossi (except for Attachment 4). Declarant knew something had to be done, but was uncertain what to do. Declarant decided to call the Bar Association's Attorney Hotline for advice. Declarant explained the entire situation to the Bar Association representative starting at the demurrer hearing, and explaining the lack of response of Rossi. The directions Declarant received was that he had to Immediately (which was stressed) notify the clients of the situation in a very detailed manner. Despite the direction to do so

immediately, Declarant delayed following the directions for seven days, during which time the attached (Attachment 6) emails were sent, and phone calls attempted, with no response:

After not hearing from him for eight more days (eighteen total), Declarant communicated the situation to the Petitioners and Complainants (Attachment 7) as the Bar Association had instructed Declarant to do. The timing was very bad. Within hours after Declarant mailed the letters Rossi called Declarant. He was friendly and conciliatory and we agreed to start working together. This ended quickly, however, because of the letter to the Petitioners and Complainants. Mr. Rieger received the following email from Rossi:

> 6/13/12
> DEAR JEFF: PLEASE DISREGARD MY 6/12/12 EMAIL TO YOU REGARDING PAUL MAST'S ASSOCIATION IN THE CASE. HIS ASSOCIATION IS REVOKED 100%. HE'S FIRED. I SINCERELY APOLOGIZE TO YOU FOR THE DISTRACTION CAUSED BY PAUL'S REFUSAL TO QUIT. THANK YOU. JORN S. ROSSI

Again Rossi thereafter refused to speak or communicate with Declarant. Declarant still continued to send him copies of everything Declarant was doing and urged him to work with Declarant (Attachment 9). Rossi told Declarant that he did not even read any of the emails. The subject matter of the emails, besides entreaties to work together, for the most part related to the Status Conference and the Notice of Motion that Declarant is preparing with Professor Reppy.

While Rossi was not communicating with him Declarant had the Status Conference set for July 13, 2012, in accordance with instructions from Judge Strauss at the Hearing on the Demurrer.

SUBSEQUENT TO THE JUNE 20 EX-PARTE MOTION

On or about June 20, 2012 Declarant received a phone call from Rossi. He stated that he had made an *ex-parte* motion that morning to have Declarant removed from the case and that the Court had denied his motion.

He then stated that he wanted to work with Declarant on the case and that he we should start cooperating as we had in the past. He stated that he wanted to make the court appearances, and I said that was all right with me as long as he was fully briefed and understood all the issues. I was so motivated to put this behind us for the good of the clients that I would have agreed to almost anything. As it turns out, Declarant was very

naïve and took him at his word. Declarant did not think he was being duplicitous. Rossi's future conduct has proven Declarant wrong.

Thereafter Declarant continued to send him drafts of the work he was doing. These are not attached. Attached however, (Attachment 10) are emails which included the following documents relating to filing a Status Conference Statement, Notification of Intent to Use Non-Reported Cases, to make an Amendment to the Petition and Complaint regarding the Legislature case, and an Amendment re Reppy, specifying when they should be filed and why. The importance of the filing date was to give the opposition sufficient notice of the Amendment re Legislature so it could be heard at the July 13, 2012 Status Conference. Rossi had said he wanted to be the one to file these documents, even though Declarant had written them.)Rossi did not do this with the result no notice was given and the court set the amendment for hearing on August 17, 2012. Declarant later filed the Reppy Motion and the Notification of Intent to Use Non-Reported Cases.

Rossi wanted to be the attorney to make the appearance at the Status Conference. Declarant agreed, and so no reason for two attorneys to be present. In preparation Declarant and Rossi met and went over all the matters to be covered at the Status Conference. At that time it was specifically discussed and agreed that there would be no agreement to anything that Mr. Rieger was asking in regard to having a lead attorney or interfering with the representation of our clients in any manner. It was further agreed that Mr. Rieger should be informed that there no longer was any conflict or disagreement between Declarant and Rossi. Also in preparation, Declarant sent emails (Attachment 11) laying out all the issues to be covered at the conference and how they should be responded to.

After the Status Conference, Declarant received the following email from Rossi:

On Jul 13, 2012, at 10:50 AM, lawrossi2000@yahoo.com wrote:

Because of Jeff opposing it, Ordered amendment to complaint hearing august 17, and sept 21 case management court will decide all the pleading issues which I hoped would be addressed today.
Sent from my iPhone

The Court will notice that there was no mention of any kind in regard to his designation of sole counsel or that Declarant was removed from the case. Declarant first heard of this by a copy of a Proposed Order received from Mr. Rieger on July 17, 2012.

Declarant immediately started objecting to this.

In retrospect, Declarant feels that he was naïve in trusting the representations of Rossi that we would be working together on the case and trusting his representations as to what he would do at the Status Conference Hearing. It is difficult for Declarant to say, but now it seems to Declarant that beginning at the time Rossi was rejected at the *ex-parte* hearing, where he asked the Court to remove Declarant, Rossi has conducted a well-crafted plan to eliminate Declarant from the representation of Petitioners and Complainants. By subterfuge, Rossi was attempting to do by indirection what he could not do directly. It might have been even earlier, however, when for no apparent reason Rossi began yelling at Declarant in front of the Courthouse after the Hearing on the Demurrer, followed by his filing a document a few days later purporting to remove Declarant as attorney for Petitioners and Complainants.

Rossi is doing this despite the fact that the Petitioners and Complainants were retained by him on the advice of Declarant and despite the fact that he does not have a full understanding of the issues on the case, including the Olson Issue, the Legislature Issue, or the other issues which JRS refers to as "peripheral issues." Further, Rossi's actions, agreements, and promises in regard to the Status Conference were untruthful and unethical and were part of a well-thought-out fraudulent plan to remove Declarant from the case.

His duplicity is further shown by the email Mr. Rossi sent Declarant after the Status Conference:

CONCLUSION

Declarant, respectfully suggests that the Court makes one of the following orders:

1. That both attorneys remain as co-counsel on the case. That Declarant Paul Mast be designated as the attorney to make contact with the opposition attorneys, by email or otherwise, other than service of process, and that Mast be directed to immediately copy Rossi with all such communications. [Declarant feels that he is the one to receive communications as he has been shown to be reliable in forwarding communications]
2. That if the Court believes that a lead counsel is necessary, that

Declarant Paul Mast be designated as lead counsel, with the same instruction as above to forward copies of all copies and also all documents to Rossi.

3. Declarant believes that the Court may not designate a sole counsel unless the Court makes a finding of malfeasance on the part of the counsel who is not so designated, However, if the Court disagrees or makes such a finding, then the Court should designate Declarant Paul Mast as sole counsel.

Respectfully submitted.

I hereby declare under penalty of perjury, in accordance with the laws of the State of California, that the foregoing is true and correct. Executed on August 14, 2012, at Laguna Woods, CA.

Paul G. Mast

ATTACHMENT 1

ATTACHMENT 1

Re: NOTICE TO PRODUCE
May 25, 2012 3:52 PM
THIS IS THE LETTER I SENT YOU REGARDING HELP WITH THE FORM. SENT ON MAY 13.
On May 13, 2012, at 1:06 PM, Paul Mast wrote:
HI JORN,
PLEASE CHECK THIS OVER. PARTICULARLY FOR FORM. I DO NOT KNOW IF WE HAVE TO PUT A TIME TO RESPOND, OR ANYTHING ELSE IN IT.
DO YOU HAVE A DECLARATION OF SERVICE IN WORD FORMAT?
THANKS,

Re: DISCOVERY
May 25, 2012 3:52 PM

THIS IS THE ONLY EMAIL RE DISCOVERY I RECEIVED FROM YOU - RECEIVED ON
MAY 14. NOTHING ON THE FORM FOR NOTICE TO PRODUCE.
YOU WILL NOTE THAT I ASKED FOR YOUR HELP WITH DISCOVERY. I DID NOT GO OFF ALONE ON THIS OR ANYTHING ELSE.
On May 14, 2012, at 12:57 PM, Jorn S. Rossi ESQ wrote:
I THINK IT WOULD BE GOOD TO FIND OUT [balance redacted]

ADMISSIONS AND INTERROGATORIES
May 25, 2012 3:52 PM

HI JORN,
I PREPARED THE NOTICE TO PRODUCE, AND ASKED FOR YOUR HELP AND SUGGESTIONS, ONLY BECAUSE DISCOVERY NEEDS TO BE DONE AND NO ONE ELSE SEEMS TO BE DOING IT. YOU VEHEMENTLY OBJECTED, AS IF I AM USURPING SOME RIGHT OF YOURS. OK, SO HERE IT IS.
PLEASE PREPARE REQUESTS FOR ADMISSIONS AND INTERROGATORIES.
ON THE ADMISSIONS, PLEASE ASK THEM TO: [redacted]
INTERROGATORIES: [redacted]
PLEASE SEND THESE OUT BEFORE YOU LEAVE THE END OF NEXT WEEK.
PAUL

It should be noted that Rossi did not prepare or send out any such discovery.

Declarant did so at a later date.

Friday
May 26, 2012 6:22 PM

Jorn,

Yesterday we had a very good outcome at the hearing. As good as could be expected.

Afterward on the street I said I would start on the admissions and interrogatories. You went absolutely ballistic. I do not know what happened to you or why, but it was completely not acceptable. To stand on the sidewalk outside the courthouse yelling at me was a horrible thing for you to do. On top of that you pushed Marci - no one pushes Marci, and it is unforgivable.

I cannot imagine what Bill was thinking and is thinking about witnessing your behavior.

This is the third time you have lost your temper and acted improperly. First when we met on Ortega highway, and next in front of my apartment. I don't deserve this. I have never done anything to hurt you or to cause you to lose control of yourself.

If you are upset about my preparing discovery, that is ridiculous. If you think I want to do it, you are wrong. I don't want to do it. But if I don't, who will?

Before we started this case, I asked you if you could recommend someone who could take on this case and handle the entire thing. You replied to me that you would do it. Since you were my friend, that was good with me. Our agreement was that we would each get half of the fees, and you would do all the work involved. We were both happy with that.

After that I gave you some ideas for getting the names of judges, and you wrote the letters requesting names. You were not prepared or able to do the research to find the addresses for the judges, so I started researching and tracing names, and got some other people to help us. You sent out the letters, the retainers and so forth, and communicated with JRS

When we got the files I started going through the files, gleaning the information, putting it together, developed the claim letters, the excel sheets for the accounting, the excel sheet for the information on each judge, the points and authorities to accompany the claim, and the CPI schedule. Then for each claim, I prepared the accounting, the claim and information sheet, and you mailed it all to

JRS. Did I want to do these things? No, I did not. You did not have the time to do all this, so I chipped in to get it done, and I got it done.

After we filed the Petition, we agreed that it was time to send the second set of letters to prospective clients. I expected you to do this, and I expected it would be a simple job. Just cut and paste names from the former letters onto the new ones. I was flabbergasted when you told me you did not have any of the names on the computer. This means instead of a simple quick job, it was a very difficult time consuming job, which you could not do. I again agreed to get it done, and It has partially been done, with the help of Naddia. Because we do not have clear and adequate records of what went on before, some mistakes were made. Not many and none that you could not handle with an apology and a few words. You have told me we have 42 new clients. If they average the same as our existing clients, that represents a potential $7,000,000 in your pocket.

On the demur, I was the one who had to do the research and prepare our response, and did it with the help of Bill. Did I want to do this, no I did not, but it had to be done so I had to do it.

We need to prepare our case, and one of the first things I want to do is nail down the unification issue to see if they paid the additional amounts as Jeff says, or if they did not. I prepared a Notice to Produce and sent it to you for your approval with an email saying I did not know the correct form. Despite what you were yelling at me on the street, you did not answer my email. I have three computers that receive copies of all my emails, and it did not show up on any of them. I also received many other emails from you in the days following May 13th when I mailed my email.

I now need three things from you,

1. Confirmation that you are preparing the discovery, the admissions and interrogatories. They need to get out this week.

2. The last list of names of prospective clients you sent letters to. This was sometime around November. I have asked for this a very many number of times. I don't know why you have not given it to me so that I can send to the people you have not sent to. I have all the names and addresses, I just need to know who has not been sent to.

3. The files we have received from JRS, so we can begin preparing the new claims.

On two files, that looked questionable, Teal looks good, but not perfect. In addition to the election which seems valid, we have the Alvin Goldstein case

where they have confirmed in writing that they will pay the wife after he dies. The two cases are almost identical.

On Falasco, it looks very good. The information Yvonne sent to each of us includes an article indicating that his class of judge would be receiving municipal court salaries and retirement as a municipal court judge from JRS. I have to find the law which said that, which is not in the current codes.

Paul

Draft for Proposed Stipulations
May 27, 2012 11:20 AM

Hi Jorn and Bill,

PLEASE CHECK OVER THE FOLLOWING PROPOSED STIPULATIONS
Hi Jeff,
It was a pleasure meeting you and putting a face to the voice. I believe that we can stipulate to the following matters.
UNIFICATION OF THE COURTS [redacted]
75025/75033.5 [redacted]
MATHEMATICAL CALCULATIONS [redacted]
MILITARY BENEFITS [redacted]
MARILYN SCHMIDT [redacted]
Thank you,
Paul Mast

EMAILS
May 27, 2012 7:42 PM
HI JORN,
PLEASE ANSWER MY EMAILS. I HAVE TO KNOW IF YOU ARE GOING TO PREPARE THE DISCOVERY. IF YOU AREN'T THEN I HAVE TO DO IT AND I HAVE ALREADY LOST TWO DAYS.
THANKS, PAUL

Call
May 28, 2012 8:23 PM

Hi Jorn,
I just tried to phone you. Please call me or email me and tell me what is going on and what is happening.
Thanks, Paul

ATTACHMENT 2

ATTACHMENT 2

Dear Judge Mast,

Today, I received the attached documents from Mr. Rossi, your co-counsel in *Staniforth v. JRS*. Your name appears on the Petition as counsel of record in *Staniforth v. JRS*. I also note that the Petition in *Staniforth v. JRS* is both signed and verified by you (and not Mr. Rossi).

I do not believe Mr. Rossi can unilaterally terminate you as co-counsel in the *Staniforth v. JRS* matter. Thus, I believe I have an obligation to (1) continue serving you with documents in *Staniforth v. JRS* and (2) continue responding to discovery and pleadings that you duly serve on me in *Staniforth v. JRS*, unless and until you formally withdraw as counsel of record. The attached "Notice of Termination of Association of Counsel" is not signed by you and I see no indication that you were copied on the cover letter that Mr. Rossi sent to me with that document. I also note that Susan Smith, of the Attorney General's Office, was not copied on the cover letter, so I am copying her on this e-mail. As counsel to a represented party, I believe she is entitled to review that cover letter, notwithstanding the "Confidential" designation Mr. Rossi placed in the upper right hand corner.

I respectfully request **written confirmation** as to whether you intend to continue as a counsel of record in *Staniforth v. JRS*. If you intend to withdraw as counsel of record in *Staniforth v. JRS*, I further request that you take all appropriate actions under the Code of Civil Procedure and Rules of Court to formally withdraw as counsel of record as soon as possible, to avoid confusion on this subject among the parties, counsel of record and the Court.

Respectfully,

Jeff Rieger

Note: The document attached was a court filing dismissing me from the case.

The following email was sent by Declarant to Mr. Rieger

Re: Staniforth v. JRS

May 29, 2012 1:11 PM

Dear Mr. Rieger,

Your email and the attachment came as a complete surprise to me.

I am and will continue to be the counsel of record in the Staniforth case.

Thank you for checking with me.

Paul Mast

ATTACHMENT 3

ATTACHMENT 3

WHAT IS HAPPENING
May 29, 2012 1:26 PM
JORN,

I DO NOT KNOW WHAT YOU ARE DOING OR WHAT YOU HAVE IN MIND.

THAT LETTER AND DOCUMENT YOU SENT TO RIEGER IS COMPLETELY OUT OF LINE. IF WE HAVE PROBLEMS BETWEEN US, IT IS DESTRUCTIVE AND HARMFUL TO THE CASE AND OUR CLIENTS TO WASH OUR DIRTY LINEN IN PUBLIC.

I HAVE WRITTEN YOU AND CALLED YOU REPEATEDLY. YOU HAVE NOT ANSWERED ME OR COMMUNICATED WITH ME.

WE HAVE BEEN FRIENDS FOR A LONG TIME. IF WE HAVE A MISUNDERSTANDING THEN WE SHOULD TALK IT OUT, NOT LET IT FESTER AND NOT LET BAD FEELINGS CONTINUE. I REALLY DO NOT KNOW WHY YOU GOT ANGRY WITH ME AFTER WE HAD JUST RECEIVED A FAVORABLE RULING ON THE DEMURRER. PLEASE TELL ME WHAT THE PROBLEM IS. YOU HAVE SAID SEVERAL TIMES THAT I AM OPINIONATED AND CANNOT BE TALKED TO. THAT IS COMPLETELY WRONG. I CAN ALWAYS BE TALKED TO.

THERE IS NO WAY THAT YOU CAN CONTINUE THIS CASE WITHOUT ME. I DON'T WANT TO SAY I KNOW EVERYTHING, BUT I AM DEEPLY INVOLVED IN ALL THE LEGAL ISSUES AS WELL AS THE PREPARATION OF THE CLAIMS. WE HAVE WORKED WELL TOGETHER ALL THESE MONTHS. WE HAVE NOT ALWAYS AGREED, BUT WE HAVE WORKED THINGS OUT.

THERE IS ONE AREA WHERE I WAS BADLY MISTAKEN. I THOUGHT THAT JRS WOULD ANALYZE THE LAW AND PAY THE CLAIMS WITHOUT UNDUE DELAY. I TOLD YOU AT ONE PLACE I EXPECTED THAT THEY WOULD PAY BY CHRISTMAS. I WAS COMPLETELY WRONG ABOUT THEIR ATTITUDE. AS ONE JUDGE TOLD YOU LAST WEEK, THEY WILL FIGHT EVERYTHING TO THE END. THEY WILL. ASSUMING WE WIN N THE SUPERIOR COURT, THEY WILL UNDOUBTEDLY APPEAL TO THE DCA, AND AFTER THAT TO THE SUPREME COURT. IF WE LOSE IN THE SUPERIOR COURT, WE ALSO WILL APPEAL. UNFORTUNATELY IT WILL BE A LONG PROCESS.

I DON'T WANT TO PROCEED WITHOUT YOU, BUT I WILL IF YOU INSIST. WE WORKED TOGETHER BEFORE, AND WE CAN CONTINUE TO WORK IN THE FUTURE. IF YOU DO NOT WANT TO CONTINUE, YOU HAVE EARNED A

SUBSTANTIAL PORTION OF THE FEES AND WILL GET THEM - BUT I HOPE THIS IS NOT GOING TO HAPPEN.

WE NEED TO DO THE DISCOVERY. BECAUSE OF WHAT YOU SAID ABOUT THE NOTICE TO PRODUCE, I THOUGHT YOU WANTED TO DO THE DISCOVERY. IF NOT, TELL ME AND I WILL DO IT. WE ALSO HAVE TO PROCEED WITH PROPOSED STIPULATIONS - I NEED YOUR INPUT FOR THESE. I HAVE NEVER INTENTIONALLY PROCEEDED WITH ANYTHING WITHOUT YOUR APPROVAL (FOR THE ADDENDUM TO THE RESPONSE, YOU DID NOT LIKE IT, SO I DROPPED IT).

PLEASE TALK,

PAUL

ATTACHMENT 4

JORN S. ROSSI
ATTORNEY AT LAW
18500 PASADENA STREET, SUITE F
LAKE ELSINORE, CALIFORNIA 92530
TELEPHONE (951) 471-5328
FACSIMILE (951) 471-8887
LAWROSSI2000@YAHOO.COM

May 29, 2012

Mr. Paul Mast
[redacted]

RE: Staniforth, Etal. vs. Judges' Retirement System, Etal.
San Diego Superior Court Case: 37-2012-00093475-CU-MC-CTL
Our File Number: 12-068

Dear Paul:

I associated you in the Staniforth v. JRS action so you could have the opportunity of being heard and not to take over the representation of my clients. What you have been doing I don't approve of and it is not in the best interests of my clients. As a sorry result of this, I filed the enclosed Notice of Termination of Association of Counsel" as fast I could.

On Friday at the demurrer hearing, the tentative ruling was favorable and I told you we could just shut up when the case was called. You instead did the following: first piling, up side down, documents that may have been related to the action on the council table in front of you and holding in your hand a speech you had prepared which was never shown to me and is not something to plan on giving in a law and motion hearing. Without the necessity to say anything you go into a vesting argument with dead silent pause after pause, telling the court, the key case is a case cited on page two or three of the response, you can not remember, or remember the name of the case but its there. It was like watching Michael Jackson dying. Then when the issue raised by opposing counsel was about the requirement of first exhausting the JRS administrative process, again little if nothing needed to be said, but you go into at length the details of your friend Marilyn Schmidt's claim. Sadly, I had to step in your moment and address the issue and conclude the hearing. The judge was very kind to you. It was like you weren't sure where you were.

After the hearing, while I am saying good bye to one of my clients who came to the hearing, Judge Gustaveson, I see you down the hallway talking to opposing counsel, Mr. Rieger. I hurry down there and had to literally pull you away from your wanting to

stipulate with him to filing an amended complaint in this action. You had no right to stipulate to anything without my knowledge or consent. Not to mention, stipulating to filing an amended complaint would negate the positive ruling that was just ordered as an amended complaint is considered a new complaint and gives them the opportunity to demurrer again raising the same hole-in-the-case issue that I am so glad is now further down the legal road of this action.

The week prior to the demurrer hearing you announced you were going to file an amended complaint two days before the scheduled demurrer hearing. Fortunately you mentioned it before you did it and fortunately you considered what I said. Which was off the top of my head it being so basic, Civil Code of Procedure 472, which states the demurrer goes off calendar if an amended complaint is filed before the hearing, something even you did not want to happen. But instead of taking me at my word or looking up the code section, the suggestion was I should call the court clerk and see what she has to say. I should also mention, every time in the socratic spirit I question what you think you get mad. Yell at me. "Read the case". And when I questioned what was vested, the whole the case, you pretended you didn't understand what I am talking about. Too proud to admit a fault in your theory. I told you this issue was coming, forget all else, this is the issue what the JRS called the "plaintiff's Olson v. Cory Theory" and bingo that was exactly what the demurrer was about, and maybe you still don't understand it. I don't know. But I do know I don't want to make you mad and I don't like being yelled at.

I might add your amendment included the Teal claim which you out of your haste to make as much trouble for the JRS as possible because they have not paid you, without bothering to look at the cited statute on the one JRS document given me by Mrs. Teal, you draft up a claim for her for over 1.8 million which was totally wrong. I should have looked at the statute myself instead of counting on you and should not have followed your suggestion to write both the manager of the JRS and the CEO of Calpers a letter saying how wrong they were. When I got the JRS Teal file and saw what you had done, I told you they, the manager and CEO are going to think I am a "horse's ass", all you could say was they already thought I was a horse's ass.

Another recent out of control act on your part was preparing a notice to produce document and serving it on opposing counsel without my knowledge or consent. It is not something I wanted to do at the moment and the form, with my name on it, was embarrassing. Not meeting any of the basic required form of such a demand. How could you do this? I am sure it was posted on the Reed Smith lunchroom bulletin board.

Then there was the Schmidt family law order that needed correction by the court and you just wanted to make the correction yourself and have me serve it. A doctored document. No way. What is the matter with you?

I certainly have wondered what is the matter with you when you told me you got a judicial council "Form Interrogatory - General" and in all seriousness you told me you never heard of such a document. Never seen the form before. I didn't know what to think of that and still don't.

Likewise, your on the eve of the demurrer hearing saying you found a great discovery, that you think there is an admission on page 5 or 6 of the demurrer and that footnote 7 of Olson v Cory wins the case is scary. I don't know what else to say about it.

Another thing I could say, was I could not believe my ears at the demurrer hearing when you told the judge that every year the JRS has given you annual COLA adjustment notice. Really? Is this true. First time I have ever heard of this. I would like to see them. As to me representing you on your claim, I think the appropriate thing to do now is to proceed on with it. Please provide me with how much you think is owed and how you figured it out.

I can't end this letter without complaining about the letter you drafted and signed my name to without showing it to me that in part said I had written whoever you mailed it to before. When in fact I doubt it. I got a lot of calls complaining about it, "you never wrote me before", and I don't blame them. What were you thinking?

Paul, you are the whistle blower, if in the end a valid claim can been made, and you have worked so hard preparing the claims and getting as many clients as possible for me, but it has to stop. Your enthusiasm is not helping, but hurting my clients' claims, and friendship aside, I can not let it continue and that is why I filed the "Notice of Termination of Association of Counsel" ,and very sorry I have had to file it, and very sorry to have to write you this letter.

Thank you.

Very Truly Yours,

JORN S. ROSSI
JSR:nn

ATTACHMENT 5

ATTACHMENT 5

Answer to your Letter
May 30, 2012 8:02 PM

Dear Jorn,

I have your letter, and I am sorry to say you I disagree with you on almost every point.

I have never, and do not now intend to "take over" representation of the Petitioners. We went into this jointly, and we have done a very good job acting jointly. At all times I have passed everything by you, and we have discussed everything. This is also what I intend to do in the future.

Your filing the Termination of Counsel document was not a wise or well considered act.

As to what you talk about in your letter, the tentative ruling was favorable and not only do I agree with you that nothing should have been said, but I told Rieger we would submit it on the tentative, and asked if he would do likewise. His reply was "no way". When he started arguing to the Court, we had no option but to respond.

You said I piled a bunch of documents upside down on the counsel table. What I put on the counsel table were the Petition, the demurrer, and the various briefs relating to the demur, any of which may have been necessary to refer to. I had no way of knowing what would come up, and it did not hurt to have everything on the counsel table.

You next refer to a speech that I had in my hand that you had never seen. I did not have a speech in my hand, but I had notes to follow for argument. You said you had never seen them, but this is just not true. These were prepared by Bill Reppy, as a suggested statement to the Court. You received a copy of it at the same time I did. If the ruling had been against us, then it was a cogent outline to follow to be certain all the points were covered.

Referring to the "key" cases, I spoke about People v. Ford on page 2, and the other case v. Municipal Court on Page 3. I stated what each case said, and as far as having the exact case name in my head, I stated exactly what its holding was and stated exactly where the citation was.

In regard to the "vesting argument", this was brought up by Rieger and had to be addressed. Likewise, on the Administrative Remedy argument, we had to show how JRS was stalling and delaying, and I did an excellent job with this. The

argument finally ended after you stood up and spoke, but there was no magic in this. The Court had decided it was time to end it and move on.

I did not after the hearing talk to Rieger about amending the complaint. He would like us to, as then he would be able to start the demur procedure all over again. I was clear, and I assume you are to, that we are not going to do anything to allow a new demurrer and to have them stall the proceedings. What happened, is that he knows we want to add the Legislature v. Eu theory, and he came up to me and said he did not want to start preparing his answer if we were going to amend the Petition. I told him that we were not going to do that at this time and would do nothing to delay his filing his answer. Bill also told him that for income tax purposes, he wanted to change the designation of the Petitioner in his father's claim (not his exact words). I did not say to him that I wanted him to stipulate to anything nor would I without passing it by you.

I did not suggest to you the filing of an amended complaint (or Petition), two days before the hearing. What I did was bring the subject up to you and Bill that it was a possibility if it could be done without delaying the hearing, as to do it after the hearing would take a motion to amend. You pointed out that it would delay the hearing, and it ended there. That is why there are two of us to talk things over.

In regard to Olson v. Cory, and what you characterize as the socratic spirit, if you will look back at your emails, you will find that you have asked questions about the Olson case on several occasions and stated wording which you felt defeated our position. I very patiently and thoroughly replied to all of these, but there did come a time when I did not want to keep answering these queries, and I said read the case. What I wanted from you was not socratic questions, but for you to analyze it and come up with arguments supporting our position. It takes a very few minutes to ask a socratic question, and hours for me to answer it intelligently.

I am insulted by what you said about my wanting to cause as much trouble for JRS as possible, as well as your saying this in your letter to Rieger. This is a complete falsehood. I am not a vindictive person and you know that. You talk about the Teal case. [redacted]

Another case that has been on again, off again, is Falasco. [redacted]

As to the Notice to Produce, this was not sent out unilaterally. I sent you a copy draft and asked for your help as to the form. You said when you were yelling at me on the street that you had sent me corrections by email. I checked, and no such email was received. I am certain that you intended to send it, but I had no way of knowing that. As to the content, it is essential that we get the information as soon as possible. The information deals with the unification of courts issue.

Either they made the payments as they claim or they did not. Either way we need to know so that we can proceed with the Supplemental Claims one way or the other. Since Rieger admitted that the adjustments should have been made, if they did not, then we can push them to make those payments now.

As to the Schmidt Order, you pointed out that I was wrong, and I agreed with you. That is why we consult with each other. I have not been told that the changed order ever came through.

Next you talk about the Form interrogatories in the ABE case [this is a case in which Rossi is suing for fees and I had been representing him. It is not part of the case before the court. [redacted]
As to our case, this is why I passed the Prod of docs to you for the form, and I told you in an email, that I found the form somewhere else and sent it out correctly. As far as the discovery that should be done now, the admissions and interrogatories, at your direction, I do have the judicial council forms for this, but understand that you want to do this. The timing is essential, which is why I wanted them sent out this week. This is why. We have a status conference coming up. We should be calling Grachella in Dept. 66 the end of next week or the beginning of the following week for a date for the status conference. The sooner we set it the sooner we will have a final hearing on the Petition. It would be very beneficial if we had the answers to the discovery before the status conference.

As to the footnote in Olson, [redacted]
Likewise, you did not like the proposed Addendum to the Response, so I did not push it and it was not filed. You said you had a better way, and I told you to write it up and file it. You did (without my seeing it ahead of time). I did not make a fuss or mention a word about it, but I was very disturbed, not with the beginning part, but with the emotional statement at the end about however you described the dedicated public servants, etc. This might be good for a news release, but the emotions have no part in a pleading. Nevertheless, I did not bring it up and would not have.

In regard to the letter about having written to them before, when you asked what I was thinking, the answer was I was not thinking. This is a letter that you wrote, I did not write it. [redacted]

In regard to my case, I thought you knew exactly what transpired. What I told the Court was absolutely correct. In 1994 or early 1995, prior to my retirement, I inquired of JRS as to what my benefits would be. They told me and I knew they were wrong. I advised them that they were wrong and they stated I was wrong. Jim Niehaus handled most of this for JRS. This eventually ended up with a determination letter denying what I requested and then my appeal. It was referred

to their hearing office, and they presented a brief (which I think you have). I then presented my brief. At that time they acknowledged that I was correct and agreed to pay me benefits with the COLA. This was in 1996. They calculated the CPI and the amount I should be paid without input from me. They wanted to start then and not have it retroactive to the date my benefits started, and I said no. They paid the additional benefits retroactively (I was not smart enough to get interest to the best of my memory). Thereafter, once a year, based on the Dec. to Dec. CPI, they adjusted my benefits in accordance with the CPI (they did not adjust when the active judges salaries increased). Since I was the only one getting the adjustment, they regularly forgot it and adjusted it a few months late, paying me the arrearage. The adjustments were made properly until 2002, when there was a change in personnel. They simply did not know what to do. I told them and they did not get it done. I did not press them on it as much as I probably should have. After several years, the personnel changed again, and Pam Montgomery came in. She was very friendly, and was going to get it done, but she would stonewall and delay, promising to do something, and my not hearing for nine months. Eventually she did make the adjustments, in her own way, and paid me about $10,000 in arrearages. From my view, her accounting was faulty. One of the things she did do, was look into the CPI. She found that JRS had made an error in one years CPI, and used a percent higher than what the CPI said. My position, was that the CPI calculations were part of the settlement agreement and were computed by JRS, and could not be changed. They differed. I checked the CPI (they had sent me what they had originally used), and found that there was a mistake, but not as large as Pam said.
The issue in the case is whether the CPI was set as part of the settlement agreement or if they can now go back and change it. After that, it is just accounting. Although it came late, and maybe inaccurately, they have made CPI adjustments each year and are still doing so.

An additional issue to think about, which is not now in our pleadings, is the Legislature v. Eu/G. Dennis Adams cases. [redacted]

NOW WE HAVE BOTH AIRED OUR DIFFERING VIEWS. WE MIGHT STILL NOT AGREE ON EVERYTHING, BUT WE KNOW WHAT EACH ONE IS THINKING. WE CAN BOTH AGREE TO CONSULT ABOUT EVERYTHING IN THE FUTURE AND TO WORK TOGETHER. I THOUGHT THAT WE WERE WORKING TOGETHER, BUT WE CAN MAKE CERTAIN WE DO. WE HAVE COME A LONG WAY WITH THE CASE AND I AM JUST AS CERTAIN AS EVER THAT WE WILL HAVE A VERY SUCCESSFUL RESULT, AND ALTHOUGH YOU HAVE HAD SOME SERIOUS DOUBTS ABOUT OUR CASE, I THINK YOU NOW AGREE THAT OUR CASE IS VERY SOLID.

IT IS TIME TO PUT THIS QUARREL BEHIND US AND UNITE TO GO AHEAD IN THE FUTURE. I THINK THAT NEITHER OF US CAN DO AS GOOD A JOB

FOR OUR CLIENTS SEPARATELY AS WE CAN DO TOGETHER - AND THAT IS REALLY WHAT THIS IS ABOUT.

PAUL

Staniforth
May 31, 2012 7:13 PM

Hi Jorn,

I hope you are not still ignoring me. I answered your letter completely last night.

The action you want to take will be very harmful to the clients. Even though you characterize them as your clients, they are as much my clients as yours and I am concerned about them as a first priority - I hope you feel likewise. Many of the clients signed up with you only upon my recommendation, and a good many of them only because they knew I would be involved. Also, others, have been less than enamored with you and I assured them they are in good hands.

So far our clients do not know what you are doing. If they ever find out, all hell will break loose.

I have your email to Rieger about Teal and his response to you. This was not necessary. We are both in agreement, and have been,that we would make no amendment if it would delay the proceedings. [redacted]

This, as well as other things which will come up, is only a part of the reason we should work together.

I don't know what has happened that you have turned to hate me so much. We have worked on this successfully for a long time and have developed something that will come out very good.

You called me a "whistle blower". Come on Jorn, I gave you a complete case which will be unbelievably profitable to each of us. We agreed to work together and share the proceeds equally. I laid out the complete theory of the law for you, and although you doubted I was right for a long time, I believe that now, only after our preparation for the demurrer, that you are convinced we are correct. I discovered all the other issues, which will be very beneficial to those of our clients who are effected, and of course beneficial to you too. I wrote the Petition, which was upheld in the recent hearing. I prepared the claims, researched the files, did the accounting, invented the accounting system, wrote the points and authorities, and in effect laid out the entire claim procedure. This was in addition to finding the addresses of the judges, spouses, and heirs.

Instead of recognizing these things that I have done, you have found fault with a few minor things, many of which were merely misunderstandings. I trust after reading my email of last night you understand some of them that you had a misconception about.

You talk about your reputation, although it doesn't matter what Rieger thinks, you certainly have not enhanced your reputation with him. I can see him frothing at the mouth, however, at the idea of a split between us which will lead to victory for him - which is a likely ending to this mess.

I know you are under great pressure because of [redacted] I am truly sorry for the pressure you are under, but we cannot let it destroy our clients' claims. When the date for the hearing was discussed, there was talk of it being put on on June 1, rather than May 25. If it were not on one of those dates, it would have been much later in June, which was not in our clients' best interest. You may not recall, but i acceded to May 25 so that you could be at [redacted] In so doing, I gave up going to [redacted]. I did this because of my affection for you and because your attending [redacted] was important. Think of this when you take this precipitous action which will harm our clients.

Please stop avoiding me. Please communicate with me so that we can put this aside and continue for the benefit of our clients.

Paul

WE NEED TO RESOLVE THIS
June 1, 2012 8:38 AM

Jorn,

I am disappointed that I did not hear from you again.

I heard from Jeff Rieger. Revealing a weakness to our opposition is destructive.

[redacted]

There is a lot that of work to do. We should be doing some of it this week. Today is already Friday.

I want you to understand that I am best able to handle a lot of the work that has to be done before this case is resolved. I have not discussed it with you as it was not pertinent until after the demurrer hearing. There is a lot more to do to obtain the writ besides briefing and showing up at the hearing.

We must update all of the claims and all of the accounting consistent with both the court's determination of the law and the passage of time. This also must be done in such a fashion that the appeals process, if there is an appeal, is not delayed. Since I have done all of this on all of the claims I am the one to do this most expeditiously.

For the good of our clients, I again ask you to talk to me and resolve whatever problems we have. I am sure you realize that this situation between us is detrimental to the case. I am baffled by your unilateral actions revealing weaknesses to the other side and by your silence toward me. The detriment will be enhanced if you leave town with this matter unresolved.

Paul

ATTACHMENT 6

ATTACHMENT 6

WELCOME HOME
June 4, 2012 6:46 PM

Welcome home, Jorn. [redacted]

I hope you are ready to talk about the future prosecution of our case. I have always been ready to speak with you, and hope you understand that there is still much to do before we are successful and that I am an essential part of what needs to be done. I have tried to understand your feelings, but it is now time for us to be adults and proceed with the good of our clients in mind.

Paul

Status Conference
June 5, 2012 10:48 AM
Jorn,

Now you have gotten me angry.

WE WANT TO BE IN CHARGE OF THIS LAWSUIT, NOT HAVING RIEGER LEAD US AROUND AND SABOTAGE OUR EFFORTS.

WHY WOULD YOU ASK HIM ABOUT THE STATUS CONFERENCE.? AS YOU SEE FROM HIS REPLY HE IS SCHEMING FOR A FURTHER DELAY.

IT WAS STATED CLEARLY IN COURT WHAT WE -- THAT IS WE, NOT HIM - WOULD DO. WHAT WAS SAID WAS THAT WE WOULD CONTACT THE CALENDER CLERK IN 66 - GRACHELLA - IN TWO WEEKS OR THEREABOUTS - WHICH WOULD BE NEXT FRIDAY, AND SET UP A STATUS CONFERENCE.

THIS WAS CONFIRMED WITH THE CLERK OF DEPT. 66, WHO CALLED ME ABOUT THE MOTION TO SEAL, AND AFTERWARDS SHE ASKED ABOUT THE STATUS CONFERENCE AND I TOLD HER WHAT JUDGE STRAUSS SAID AND IN ACCORDANCE WITH THAT WE WERE WAITING THE TWO WEEKS TO SEE IF JUDGE PRESSMAN WAS RECOVERED.

MY INTENTION - WHICH HAS BEEN CAREFULLY THOUGHT OUT, BUT YOU HAVE NOT BEEN WILLING TO LISTEN TO ME - WAS TO SET THE STATUS CONFERENCE ABOUT THE MIDDLE OF JULY (ABOUT TWO WEEKS AFTER THE ANSWER WAS FILED).

THEN TO PREPARE A STATUS CONFERENCE MEMORANDUM, SETTING FORTH A BRIEFING SCHEDULE, AND ALSO REQUESTING THE COURT TO DECIDE ALL THE LEGAL ISSUES AND MAKE A RULING ON THE COMPLAINT FOR DECLARATORY RELIEF, AND RETAIN JURISDICTION OF THE PETITION FOR WRIT, UNTIL REVISED ACCOUNTINGS CAN BE PREPARED (INDIVIDUALLY), SUBMITTED TO JRS, AND HAVE THEM EVALUATE THE ACCOUNTINGS INDIVIDUALLY, IN A REASONABLE TIME, AND DISCUSS ANY DIFFERENCES THEY HAVE WITH US. AFTER WHICH, IF THERE ARE NO DIFFERENCES THEY WOULD PAY THE AMOUNT THEY WERE OBLIGATED TO PAY, AND IF DIFFERENCES COULD NOT BE WORKED OUT IT WOULD BE SUBMITTED TO THE COURT.

THE REASON FOR THE REVISED ACCOUNTING IS THAT THE FINAL ACCOUNTING DEPENDS ON THE RULINGS THAT THE COURT MAKES , AND ALSO THE PRESENT ACCOUNTINGS ONLY GO TO JULY 2012, AND IT WILL BE LATER THAN THAT.

DOING IT THIS WAY, ALSO ALLOWS A PARTY WHO WANTS TO APPEAL ALL OR PART OF THE COURTS DECISION TO DO SO WHILE THE COURT STILL MAINTAINS JURISDICTION IN REGARD TO THE WRIT.

NEEDLESS TO SAY, THAT PRIOR TO SUBMITTING THESE IDEAS, WE WOULD HAVE TO BE IN AGREEMENT, AND IF YOU HAVE IMPROVEMENTS, WE SHOULD TALK ABOUT THEM.

MY INTENTION HAS BEEN TO PREPARE A DRAFT OF SUCH A MEMORANDUM THIS WEEK AND SEND IT TO YOU, EVEN THOUGH YOU HAVE NOT RESPONDED TO ANYTHING ELSE I HAVE SENT YOU. PARTICULARLY AFTER SEEING WHAT RIEGER WANTS TO DO, WE SHOULD SUBMIT THIS MEMORANDUM QUICKLY BEFORE HE MUDDLES IT UP BY FILING A MOTION, WHICH WOULD PUT US IN A DEFENSIVE POSITION.

IN ADDITION WE HAVE ANOTHER MAJOR ISSUE. THAT IS THE LEGAL THEORY IN LEGISLATURE V. EU. UNDER THAT CASE OUR "NON-PROTECTED PERIOD" GOES OUT THE WINDOW AND OUR CLIENTS ARE ENTITLED TO COLA FOR THEIR ENTIRE SERVICE INCLUDING ALL TERMS NO MATTER WHEN THEY STARTED. THIS IS IMPORTANT. IT CAN AMOUNT TO ABOUT $50,000,000 (THAT IS A GUESSTIMATE) FOR OUR PETITIONERS.

WE MUST MAKE THE DECISION ABOUT THIS JOINTLY. I HAVE BEEN TRYING TO FIND A WAY TO HAVE THE JUDGE STATE AT THE STATUS CONFERENCE THAT THIS COULD BE CONSIDERED WITH OUT PRESENT

PLEADINGS. I DON'T FIND MUCH BASIS FOR THIS, ALTHOUGH WE STILL COULD TRY.
BILL REPPY FEELS WE SHOULD AMEND THE PETITION AND COMPLAINT, AND LET JRS DEMUR. HE SAYS WE HAVE AN ABSOLUTE CASE, AND IT WILL MAKE THEM LOOK BAD. THIS WOULD BE FILED SOON AFTER WE RECEIVE THE ANSWER.

THE DOWNSIDE OF THIS IS THAT IT WILL AGAIN DELAY THE PROCEEDINGS.

IF WE AMEND (IF IT IS LEGALLY PERMISSIBLE), I WOULD LIKE TO MAKE A LIMITED AMENDMENT TO THE PETITION AND COMPLAINT, RATHER THAN FILING A COMPLETE AMENDED COMPLAINT.

JORN, EVEN THOUGH YOU DO NOT LIKE THE IDEA, I AM, WITH YOU, THE ATTORNEY OF RECORD ON THIS CASE, AND I HAVE NO INTENTION OF ABANDONING MY (OUR) CLIENTS AND GETTING OFF THE CASE.
EVEN THOUGH YOU DON'T BELIEVE IT, THAT WOULD BE TO THE DETRIMENT OF OUR CLIENTS - AND WHAT I HAVE WRITTEN HERE IS AN EXAMPLE OF THAT.

JORN, PLEASE GET OVER YOUR ANGER, ACCEPT THE APOLOGY I HAVE ALREADY MADE FOR ANY SLIGHTS OR ANYTHING ELSE I HAVE MADE TOWARDS YOU, RECONCILE, AND LETS GET ON WITH DOING WHAT IS BEST FOR THE CLIENTS. IT HAS TAKEN TWO OF US WORKING TOGETHER BEFORE, AND TWO OF US ARE STILL NEEDED. IF YOU WOULD LIKE WE CAN SIT DOWN FOR LUNCH AND DISCUSS WHATEVER IS A PROBLEM FOR YOU.

PAUL

DRAFT OF DISCOVERY
June 5, 2012 1:01 PM
Hi Jorn,

Attached is the draft of admissions and interrogatories (2 sets).

Please review and send me your corrections and suggestions. I would appreciate your input by Wed. evening, as I would like to serve these on Thursday.

Paul
Fwd: Draft for Proposed Stipulations
June 5, 2012 1:14 PM

Hi Jorn,

I sent you this on May 27.

Now is the time to approach Rieger with proposed stipulatons so that if he refuses, we can attach the proposal to some document if necessary to show we are trying to move the case along and simplify the court's work and he is being obstreperous .

The following is not a stipulation, but just suggestions for a stipulation.

I would like to email this on Thursday. Please give me your suggestions and corrections by Wednesday night.

Thanks,

Paul

Status Conference
June 7, 2012 12:00 PM
Hi Jorn and Bill,

The Status Conference has been set for July 13th at 10:00 in Dept. 66. Grachell wanted to set it in October, but I convinced her that an early date was appropriate.

Paul

Letter re Stipulations
June 8, 2012 11:06 A

Hi Jorn and Bill,

It is very important that we broach the subject of stipulating to issues with JRS. Jorn, I sent you a draft (twice), and I seriously want your input. I don't want to enter into a stipulation with him without your concurrence, however this is where you are pushing me.

Paul

ATTACHMENT 7

Paul G. Mast
Attorney at Law
[redacted]

June 11, 2012

[redacted]

Dear [redacted]

I want to take this opportunity to report to you on the progress of our case against the Judges' Retirement System, both the good and the bad.

On May 25 we had a hearing on a demurrer to our Petition and Complaint. The demurrer was over-ruled and JRS was given 30 days to file their answer. Attached is a copy of the tentative ruling, which became the permanent ruling.

In preparation of the case, we engaged Professor Emeritus William Reppy, Jr. of the Duke University School of Law, the son of Justice William Reppy of the 2nd DCA, to assist in the preparation of all briefs and arguments throughout the proceedings. Bill is an amazing scholar and has been, and will continue to be, invaluable to us. Bill was present in Court with us on the 25th. Bill feels extremely confident in our case, as do I.

The bad news is that after the hearing, on the sidewalk in front of the courthouse, Jorn Rossi screamed and yelled at me, in the presence of Bill and my wife. He apparently was upset with the form of a Notice to Produce I had served, the fact that I had argued our case in response to the attorney for JRS, and that after the hearing I spoke to the other attorney. The other attorney, Jeff Rieger, approached me to inquire if we were going to amend our Petition. I had replied to him that we were not at that time and we would do nothing to delay his filing his answer.

Since that episode, Jorn has refused to speak with me or to communicate with me by email. He did send me a letter, which I am attaching, together with all the emails I have sent to him. I have tried in every way possible to have him communicate with me and work with me on the case.

Not hearing from him, I will proceed with the case, giving him copies of everything and the opportunity to have input and take part.

Please feel free to email me or phone me. Please send me your email, so that I may contact you more quickly in the future.

Very truly yours,

Paul G. Mast

ATTACHMENT 8

ATTACHMENT 8

LETTER
June 13, 2012 9:18 AM

Hi Jorn,

I thought I would hear from you after I sent you the items I sent to the Petitioners. Since I have not heard from you, I will write to you. It is important that we keep in mind what is best for the Petitioners. Their interests and the welfare of the case is of first importance, and to carry out our duties to them and assure the successful outcome of the case, it is necessary that we work together.

I understand you are upset and I understand the reason why you are upset. You also must look at it from my point of view and see where I was and why I felt it necessary to comply with what the Bar instructed me to do and communicate with the Petitioners. After the incident in front of the courthouse, I had been communicating with you by email and by telephone for 18 days, pleading with you to respond and to work with me for the good of the case and the Petitioners.

During this 18 days I was constantly upset and on edge, not because of me, but because of our Petitioners who need us working together very diligently on the case.

I had absolutely no reply or communication even though I attempted communication with you virtually daily. You became upset with me recently on two prior occasions. On the 2nd one in the driveway in front of my apartment, you later told me that you were really upset because of problems with your daughter and her graduation. I know you were scheduled to go to the graduation about a week after the court hearing, and I thought this might be what the problem was in your failure to communicate, so I waited for you to return, expecting to hear from you. Instead of communicating with me, I received from Rieger an email you sent him asking him if the Status Conference had been set. This was upsetting. How did we look or how did you look in his eyes when he received this from you? If he had realized what he could have done and called Grachelle and set the conference himself, he would have gotten a date in October. It would have cost us 90 days. After you communicated with him instead of with me, I did not know what to do. That was when I phoned the Bar for advice. They did not give me advice as to how to get you to communicate with me, but the gentleman did tell me that I had an absolute duty to report this failure to communicate to the Petitioners at once. I have referred to this before and will not repeat it. What he also told me was that the failure of counsel to communicate with each co-counsel was a violation of Rule 3-110 A and B.

Despite the fact that 11 days had already passed without word from you, I decided to wait and keep trying to communicate with you. I asked Bill to call you and he tried, but you did not answer or return his call. I still kept waiting.

I then decided that if you did not communicate with me by the end of the weekend, that I would follow the Bar's advice on Monday and send the information to the Petitioners. I had no expectation that after not communicating with me for 18 days that you would ever communicate with me. I did not expect a call from you ever. I felt that the case had to proceed without you - although that was not what I wanted. Eighteen very important days had passed and nothing had gotten done except what I had done myself and with the cooperation of Bill. I thought that was how things would continue. During this time I was consumed with the your failure to contact me, and it consumed a great deal of my time and diverted me from concentrating on our case and the research and preparation that we have to do.

Do I regret sending the letters? Of course I regret sending them, and in particular I regret the unfortunate timing. One hour after the mailing you phoned me. The timing was very unfortunate.

You accused me of wanting to take over your clients. This is not the case. I do not want that, never wanted that, and never will want that. I think I made that clear in my constant entreaties in all my emails for you to step up and for us to work together.

You keep saying I was out of control. I was not. I was forced into doing something I did not want to do. At all times I had in mind what was in the best interest of our Petitioners - which was for us to work together. I was not upset by receiving an email from Rieger telling me that you had send him a document dismissing me from the case, together with a very libelous letter. The reason I was not upset, is that I don't care what Rieger thinks about me, as what he thinks does not effect the Petitioners. His opinion of you I expect suffered more than his opinion of me. I am not happy having you file such a document in court. That is public record and can come up anywhere at anytime. What were you thinking in doing this?

We have to work together - and now - for he good of the Petitioners. Time is critical.

We have the Replication to the Answer to file.

We must agree on and prepare a Status Conference Statement. We have very unique problems and a unique situation in the case. We must present a comprehensive plan to the Court. I have thought about this a lot and come up

with a strategy. However, it well could be improved on, and it takes all of our minds to do this. You told me that the Judicial Council has a form for this. I searched and could not find it. The form that you sent me is for a Case Management Conference. This is something different. It would be useful to keep the data requested in mind when we prepare our Status Conference Statement. I may be wrong, but I do not think there is a form because this is a more informal type hearing. In our case,however, I do not think we can view it as informal. We have definite plans and problems to address, and we must discuss them and agree on how to present them to the Court.

We also have a major problem in how to get the Court to consider the theory in the Legislature case without it delaying our hearing on the Petition. I have not been able to come up with a clear solution to this. I have come up with some possible steps to take, but we must all put our minds to this and come up with the best solution.

We have our motion, P & A's, and declarations to prepare for the hearing. This will take all of us. You proved this yesterday when you brought up the question on the protected period.

We have the stipulation in regard to Bill to prepare and present to Rieger. At one time he said he would stipulate to this.

We have those proposed stipulations that I sent you on two occasions to present by email to Rieger. If he will stipulate to any of these, and he might, it would be very important to us. In this regard, Jorn, I was going to send this email to him this week since I had not heard from you and it is important to get this going. I held off after speaking with you in order to get your input.

You want the McGuiness claim filed, which I am happy to get done.

We have the information form Lynch to obtain and process. When I thought that I knew him, I suggested I should talk to him. You should note that when it turned out I do not know him, that I told you that you were the person to talk with him.

We have the Teal case to review, to jointly determine the possibility of winning and deciding if we should pursue it. It will take another petition eventually before this is decided. The ultimate question will be whether the procedure that JRS followed complies with the procedure set forth in the Hittle case.

Everyday there will be more things that come up that we need to work on together. The one day this week we were working together we accomplished a lot.

Les Olson in his letter was very specific as to what we had to do as far as working together. We must follow his instructions.

You can hate me, you can disrespect me, you can be angry with me, but we must put all that aside and work together if we are going to accomplish the result we want in this case.

Paul

ATTACHMENT 9

ATTACHMENT 9

TO BE SENT TO RIEGER TODAY
June 14, 2012 1:30 AM

HI Jorn,

It is essential that this be sent to Rieger today and if not discussed by email before, be discussed by you at the telephonic meeting on Monday. I should go over all of these points with you before that time.

Please copy this, add your greeting to this and send it to Rieger and Susan. Please send me a copy so I know it is sent. I would rather you send it, as that is in accord with our agreement that you sign all the pleadings, although this is not technically a pleading. You will note that I changed the signature on this from me alone to both of us.

If I do not hear from you, I will send this in the afternoon with only my signature.

Paul

Prepare Stipulation for Bill
June 14, 2012 2:16 AM

Hi Jorn,

This is the draft of the Stipulation to Amend for Bill.

Please put this into a stipulation for you, Rieger and Susan to sign, and request that they enter into the stipulation. Rieger agreed to so stipulate previously.

The document is in word, and can be cut and pasted into the pleading and the text altered to conform to the required spacing.

Thanks, Paul

Your Letter
June 16, 2012 7:39 PM

I have received your letter. The good thing is that I have at last heard from you.

I don't think that the letter I wrote was awful or demented. The only thing I said negative about you concerned your yelling at me outside the courthouse. I do not want to argue that point, if you think it is awful and demented, fine. What we need to do is put this behind us and move forward.

I explained to you before, what was sent to them was your letter, my reply to your

letter, and my emails over 18 days that I sent you and received no reply on - all of them for the purpose of moving the case ahead and protecting the interests of our Petitioners.

I wonder what you would have done if I had acted the way you acted outside the courthouse, and then failed to answer any phone calls or emails for 18 days, the emails being in regard to actions that should be taken to further the case.

I asked for the Petitioners emails because we need an efficient way to keep them up to date on the progress of the case - and for no other reason. Although I did not realize it before, the Petitioners have not ever been advised as to the progress of their claims. Nothing can be construed as my implying or stating that I am their attorney to the exclusion of you. We are both attorneys of record on the case and are thus both their attorneys.

I would remind you also, that although you are the retained attorney for the Petitioners, you only were retained by them because I recommended you to them. Without my recommendation very few would have retained you. I therefore feel a great responsibility to them.

My letter does not draw any line between positive or negative in my efforts to help you. We have worked together, and until we were outside the courthouse, there never was any negativity between us and there need not be any now.

You state "Please stop Paul. You are hurting the good thing you helped to get started." There is nothing to stop. The only thing I did was write that letter as I was advised by the Bar to do. I have done nothing else except to work on the issues of the case, sending everything to you, and getting no response. In this regard, I do not want to get you angry by doing something without your knowledge. I will this weekend prepare the Stipulation for Bill, which I sent you a draft of and asked you to prepare. I will send it to you after it is prepared and before I send it to the other attorney. If I do not hear from you then I will send it to him. The other thing I will do is prepare the Notification of Intent to Introduce Non-reported Citations / Judicial Notice (it is not Judicial Notice, but I will include that in the title anyway), and attach the G. Dennis Adams case and the "J.D." Smith case. I will again submit it to you as I have done with everything, but if I fail to hear from you, I will file it.

I say the same thing to you Jorn. Please stop Jorn. You are hurting a good thing that we have been working on.

I sent you an email earlier today suggesting that we talk by phone, email, or in person, and work out our differences, and reduce to writing an agreement between us relating to any and all issues their might be and to state what each of

our responsibilities will be in the future in the prosecuting of this case. Don't misinterpret this to mean that I want to cut you out of everything. The less I do the better, as long as the case is prepared and handled properly (if it is we cannot lose). I will remind you that at the time I engaged you to represent unknown judges and justices on this case, and negotiated (or really explained what I wanted in the retainer agreements, as there never was a conflict or negotiation) the retainer agreements, it was my intent not to do anything in any respect on the case. I won't go into why I got involved doing what I have been doing, including becoming an attorney of record, as that would serve no purpose. The fact is that at my stage of life, the less I do the better.

As far as writing the Petitioners, I would be happy to write a joint letter with you to them telling them that all is well between us. I don't think that would be wise, however, as I have only received three emails (except for the one from Les), and I answered those stating that everything was worked out between us (I think you received a copy of my replies). At the time I wrote the replies I though that was true. I also received only one telephone call, That was from Pat Wickhem, and my reply to him was that he was right we should work this out and I hoped we would. There has not been any emails or telephone calls for two days.

Please Jorn, let's get together and work for the Petitioners.

Paul

p.s. Please do not engage in the conference on Monday without reading my draft of the Settlement Conference Statement, and also the Suggested Scenario I wrote suggesting how you might approach what we want done, including having the Legislature v. Eu case applied without our having to amend in a fashion that would cause delay in the proceedings. It is essential that the question of unpaid benefits be considered in light of the Legislature case.

Your letter #2
June 17, 2012 9:35 AM

Hi Jorn,

I did not mention that it is essential we file our Status Conference Statement this week. The reason is it must be accompanied by a Motion to Amend, which is an alternative in the likely event that the Court does not allow our request to apply the principles of the Legislature v. Eu case without amending. This amendment must be done in a manner that it does not put off he consideration of our hearing on the Petition. I have two ideas how this can be done, but we need to discuss it, along with Bill.

Have in mind, that we have the Adams case and the Legislature case because I did research on the 3 felony judges and found the Adams case. This is an example of why we must work together.

Also, it was my work that found the potential military benefits and unification issue.

Please Jorn, for the good of our Petitioners, let's put this behind us and reconcile.

Paul

Resolving our issues
June 18, 2012 3:33 PM

Hi Jorn,

As you know, I was part of the conference call because Jeff Rieger sent me an email this morning requesting that I attend. As I said at the conference, I just sent Rieger an email in regard to my opposition to bifurcating. I sent a blind copy of this to Judge Olson and to Professor Reppy.

I was very surprised that you said you would consider bifurcating the case as he advocates. My email to Rieger states why this would be very harmful to our clients. Also, you have received multiple emails from me on this subject.

I was also surprised that you criticized me for setting the status conference for July 13. I phoned to set the conference when Judge Strauss directed me to. I could have taken the date that the calendar clerk wanted to give me - in October. This would be very harmful for the Petitioners. We need to get early an early hearing date and move the case along. You also were advised about this by email, and should have been very thankful for my getting an early date.

DURING THE 15 MINUTES WE WERE WAITING FOR YOU TO CALL IN, ONE OF THE THINGS THAT RIEGER SAID WAS THAT HE WAS THINKING OF APPLYING TO THE COURT FOR INSTRUCTIONS AS TO WHAT TO DO IN REGARD TO THE DISPUTE BETWEEN US. THIS WOULD BE VERY DISASTROUS TO OUR CASE. Judge Olson pointed this out to us in his email - you need to heed his advice.

JORN, PLEASE PUT YOUR ANGER ASIDE. CALL ME AND LETS WORK THE ANGER OUT SO THAT WE CAN WORK FOR OUR PETITIONERS, NOT DO THINGS THAT WILL HURT THEIR CASE.

IF YOU CANNOT TALK TO ME, I WOULD SUGGEST THAT WE HAVE THE

SITUATION MEDIATED. In this regard I would suggest we request the help of Les Olson. He is knowledgable about the case and the situation. Also, I will tell you he is not a ringer. I have not seen him for over 55 years. He was two years ahead of me at Stanford, and although I think we knew of each other, we never had a class together, we never had a social relationship, and I do not think we ever even spoke to each other.

By copy of this letter, I am requesting that Judge Olson phone you and set up some type of meeting in Fallbrook.

Time is important, our next major pleading is our Notice of Motion. This is the pleading to proceed to the final hearing. I expected to have this prepared by this time, however all this problem of your anger has interfered with my preparation and has severely hampered me.

Paul

ATTACHMENT 10

ATTACHMENT 10

Reppy Stip and Notification Non-Reported Cases
June 20, 2012 1:20 PM

Hi Jorn,

Here is the Proposed Stipulation to Amend regarding Bill Reppy, and a typo on one other Petitioner. Some time in the past, Jeff Rieger said he would stipulate to this amendment for Bill.

Also is the Notification re non-reported cases. Per Bill this needs to be filed at the earliest possible time and definitely before we cite in any briefs. It is similar to a Request for Judicial Notice, but not exactly the same. I put the words Judicial Notice in the heading anyway, just for safety. Bill can explain this better than I can.

On either document, please feel free to change the Attorney designation in the heading, and also to change the signature from me to you. I have no particular interest whether my name is in any of the headings or not.

I would like these sent out soon to get them behind us. I have not prepared a proof of service on the Notification. I think the Notification should go to Dept. 66, not just the clerk's office.

My best, Paul

Draft Status Conference Statement
June 20, 2012 1:50 PM

Hi Jorn,

Please consider this, particularly the part about the Motion to Amend. It is essential that we make certain that Legislature will be considered. However we want to try to do it in a manner that does not delay our case.

As to the timing, because of the Motion to Amend, we do not want to file this until they file their answer. We must file it immediately thereafter because of the Motion to Amend to which Rieger has a right to respond. We need it all ready to be taken care of on July 13.

NOTIFICATION ATTACHMENTS
June 21, 2012 11:47 AM

HI JORN,

ATTACHED ARE THE ATTACHMENTS FOR THE NOTIFICATION DOCUMENT

THERE ARE THREE INSTEAD OF TWO. BILL QUOTED FROM THE OPPOSITION MEMORANDUM OF CAL PERS, WHICH I WAS NOT EXPECTING.

ADD ATTACHMENT TWO: CALPERS' MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PETITION FOR ADMINISTRATIVE WRIT OF MANDATE

RENUMBER THE SECOND ATTACHMENT AS THE THIRD (SMITH CASE)

THANKS, PAUL

Status Conference Statement and Motion to Amend (Legislature)
June 24, 2012 12:51 PM

Hi Jorn and Bill,

Attached are drafts of the Status Conference Statement and the Motion to Amend re Legislature.

Please analyze and see if they are ok.

These need to be filed on Tuesday. The reason for filing on Tuesday is that they are a linked pair of documents and we need to give sufficient notice on the Motion for it to be heard on 7/13.

In regard the Legislature issue, I do not think there is much chance of the court allowing this without an amendment. It does not hurt to ask. The real reason it is in there, however, is to get the Court to grant the Motion on the 13th, and have the issue and demurrer heard on the date of our Petition on the hearing. Rieger will want to file a new demurrer, and delay our hearing. In this regard, write a cover letter to accompany the filing.

Grachelle
Calender Clerk
Department 66

Dear Grachelle,

We are filing today our Status Conference Statement and a Motion for an Amendment to the Petition and Complaint. Please set the Motion on the 13th with

ATTACHMENT 11

ATTACHMENT 11

Fwd: Staniforth, et al. v. JRS
June 29, 2012 9:43 AM
Hi Jorn,

Please make it clear to Rieger that there is no conflict and he should respond to the discovery. Tell him there is nothing to discuss on this subject at the status conference.

PREP FOR STATUS CONFERENCE
July 6, 2012 7:52 AM

HI Jorn,

It is up to us when to file our Motion for the Writ. I originally got the July 13 Status Conf, and in the Status Conf Statement, put dates in so that we could proceed expeditiously. That did not work out. We should leave the date we file open. We are very close, however, to having our finished Motion ready. Bill has what he is going to do 3/4th done, I think he will finish next week. The other issues that are to be done are very simple (I will outline them) and will not take much time.

As to the date for the filing of the Motion for Writ, and the briefing dates. We originally were on schedule so that we could have the hearing on July 27. Now I am not so sure, because of the Legislature question primarily. The lack of response on the discovery is just an excuse, we can do without it and bring in anything we need to in the reply.

Since JRS now has until July 27 to respond, I suggest you tell the court that we will file the motion as soon as we can after we are able to analyze the discovery. After we file the motion, JRS should have 2 weeks to respond, we should have 2 weeks to reply, and the hearing should be set on a Friday at least 2 weeks later. Jeff will object to only 2 weeks. Your reply should be that the motion will be similar to the Petition, and he already has prepared the demur. If he is given more than two weeks, it is ok, we should get the same amount for our reply. We need the same time, as he will have new material in the response - the affirmative defenses.

Bringing the theory of the Legislature case before the court is most important. We have talked about this and I agree with you on what you intend. The Judge could just rule that the issue was included, or he could have you file the motion and rule on it at once (have him rule that it is deemed denied). The worst scenario is that we have to file the motion and have it set for a hearing - if that is the case, it will

not be good, but so be it. The problem is that if there is a later hearing, then after they grant it, Jeff will demur.

I have thought about what you said about Jeff being under instructions not to delay the case. I hope you are correct, but I am skeptical. Remember, I am the one that predicted that once JRS considered our P & A's that they would fold and pay. I was very wrong.

Our recommended procedure for the hearing on the motion:
Therefore we request that the Court make a determination of the issues on the Complaint for Declaratory Relief. When the judgment is final, either because the time for appeal has passed or if the of the parties appeals all or part of the Court's ruling, when the matter is finally determined in the appellate process and returned to this Court,

1. Petitioners will prepare the updated accounting and claim and submit each individually to Respondents.

2. Respondents will make any objection in writing to Petitioners, within 30 days of receiving the particular accounting and claim.

3. Petitioners will thereafter attempt to resolve any disagreements with Respondent.

4. At any time after 30 days from the receipt of each accounting and claim by Respondents, the Petitioners may apply to the Court for a Writ of Mandate on the claim of the individual Petitioner.

Oppose Rieger's request for bifurcation - I suggest on the basis I have outlined in the S C Statement.

The rules require us to make an ex-parte motion at least 24 hours before filing if our Memorandum (P & A's) will exceed 15 pages. Ask Pressman at the hearing to allow a longer memorandum. Tell him Rieger, in a conversation with me extimated it would take 30 to 40 pages for all the issues. Tell him we do not think it will be that long, but it will exceed 15 pages. Because of Rieger's estimate, to be safe, we would like himm to authorize 40 pages.

Rieger will attack us. Merely say there are no conflicts between us, and do not agree with anything he demands.

One of the things Rieger claims is deciding all the other issues will be very time consuming. Not true. Here are what they are:

(I will summarize them and send it later)

PREP FOR STAT CONF - PART 2
July 8, 2012 11:48 AM

Hi Jorn,

I think that you will be able to demonstrate to the Court that these other issues are not complicated and will not take up much time for the parties or the Court.

1. Unification of Superior and Municipal Courts.
There is no dispute as to the law, but we need a ruling as JRS never admits to any mistake.
This issue will take a minimal amount of briefing or time of the Court.

2. 75025/75033.5
JRS does not dispute the allegations in the complaint, stating that the code sections "speak for themselves". This is an admission since it is not a denial. They do say that they deny that JRS has failed to properly implement the Code Sections. Petitioners need the court to state what the code sections say.
JRS has clearly made errors from time to time in the implementation of the Code sections, although in 95% of the time they have done it correctly.
This issue will take a minimal amount of briefing or time of the Court.

3. Military service
JRS does not dispute the allegations in the complaint, stating that the code sections "speak for themselves". This is an admission since it is not a denial. Petitioners need the court to state what the code sections say, as JRS denies it has failed "to give military service credit to ay petitioner who was entitled to receive military service credit."
This issue will take a minimal amount of briefing or time of the Court.

JORN, THIS IS MORE COMPLEX THAN IT SEEMS. WE HAVE PLED §20930.3 AND THEY HAVE ADMITTED IT. RIEGER HAS TOLD ME THAT JRS SAYS THEY WILL GIVE MILITARY SERVICE CREDIT TO WHOMEVER QUALIFIES, AND THUS THERE IS NO ISSUE. WHAT HE DID NOT REALIZE IN HIS ANSWER AND WHAT HE STILL DOES NOT REALIZE I DO NOT THINK IS THAT THERE ARE THREE MILITARY SERVICE PROVISIONS.

ONE PROVISION WHICH HAS NEVER COME UP AND WE DO NOT WANT TO BRING IT UP, AS IT ONLY CONFUSES THE ISSUE, IS THAT IF A JUDGE IS CALLED TO ACTIVE DUTY IN THE MIDDLE OF HIS SERVICE, THEN CREDIT IS GIVEN - THIS DOES NOT APPLY TO ANYONE WE ARE INVOLVED WITH.

THE OTHER TWO SECTIONS ARE SIMILAR. ONE IS 20930.3, WHICH IS THE OLD LAW THAT APPLIES TO OUR CLIENTS. IT GIVES CREDIT FOR UP TO 4 YEARS OF SERVICE DURING A WAR OR WITHIN 6 MONTHS THEREAFTER, **AT NO COST TO THE JUDGE.** THIS LAW WAS REPEALED IN THE 1990'S, WHEN THE OTHER LAW. THE NEW LAW THAT REPLACED IT IS SIMILAR, EXCEPT THAT THE JUDGE PAYS FOR THE INCREASED BENEFITS ON AN ACTUARIAL BASIS. THIS IS THE LAW RULED ON IN THE JAMES SMITH CASE IN GLENDALE. THIS IS ALSO THE LAW THAT JRS THINKS WE ARE TALKING ABOUT.

IN OUR PLEADINGS WE ASKED THAT THE LAW BE CONFIRMED AS PROVIDING THE SERVICE CREDIT FOR ALL ELIGIBLE JUDGES. NOT TWO SPECIFIC JUDGES. RIEGER THINKS WE ARE ASKING FOR IT FOR ACKLEY AND GOERTZEN, WHO HE THINKS RECEIVED ANY CREDIT THAT WOULD BENEFIT THEM. IN TRUTH, I THINK THAT THIS WILL ENHANCE HAVE TO 3/4 OF THE PETITIONERS WHO DO NOT HAVE 75% BENEFITS IN THE PROTECTED PERIOD. (IF WE SUCCEED ON LEGISLATURE, THE ENHANCEMENT WILL NOT BE SO LARGE AS THERE IS A DUPLICATION).

This issue will take a minimal amount of briefing or time of the Court.

4. Mathematical Calculations
This is a simple issue. All service periods and all benefit periods should include each day of service or benefit. There is no question or dispute about this. JRS used the subtraction method of determining the amount of days in a period. This results in an error in computation of one day. This is a small issue. The importance is that without this, Petitioners accounting and that of JRS will in many cases not match.

In its Answer, JRS states, "The Petition doe not allege any particular 'improper mathematical calculation error' with respect to any particular Petitioner". This is untrue. The Exhibits have been incorporated into the Petition as if fully set forth, In each Claim (part of the exhibit) in which the error was made, it is set forth clearly and concisely).

This issue will take a minimal amount of briefing or time of the Court.

5. Retroactive application of GC §§75050 through 75059.1, enacted effective June 1, 1989, referred to by JRS as the "Community Property Law".
JRS has applied this law retroactively to diminish the benefits of a divorced spouse of a deceased judge, whose benefits, marriage, separation, and order of dissolution all occurred prior to the passage of the new law.
This is a simple issue where the law is clear and should not even be before the Court, however JRS will not admit they made a mistake.

This issue will take a minimal amount of briefing or time of the Court.

6. Interest
This again is a clear and simple issue. Olson v. Cory III specifically concerned interest, and held that interest was due on all unpaid obligations, and citing the appropriate Civil Code Sections. The case of Westbrook v. Fairchild (4th DCA) held that the interest shall be compounded. The Rev & Tax Code states the method of compounding.

This issue will take a minimal amount of briefing or time of the Court.

Paul

PROOF OF SERYICE

Staniforth, et al. v. The Judges' Retirement System; et al',
San Diego Superior Court Case No. 37-2012-0009347 5-CU-MC-CTL

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 Paul G. Mast, [redacted],

on August 14, 2012 I served the following document(s) by the method indicated below:

DECLARATION OF PAUL G. MAST REGARDING ISSUE OF ATTORNEY FOR PETITIONERS

by placing the document(s) listed above in a sealed envelope(s) and mailing it to:

Attorneys for Defendants/Respondents
Judges Retirement Service/CalPERS
Jeffrey Reiger
REED SMITH LLP, 101 Second Street'
Suite 1000, San Francisco, CA 94105-3659

Attorneys for Real Party in Interest
Mark R. Beckington, Deputy Attorney General
Office of the Attorney General
300 South Spring St.
Los Angeles, CA 90013

Jorn Rossi
[redacted]

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 14, 2012, at Laguna Woods, CA.

Paul G. Mast