

BEFORE THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

In the Matter of the Recalculation of Benefits
of:

PAUL G. MAST,

Respondent.

Case No. 2010-0825

OAH No. 2015030996.1

**PRE-HEARING ORDER
VACATING AUGUST 19, 2016 HEARING DATE**

This matter was previously heard by Julie Cabos-Owen, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, on November 30, 2015, in Los Angeles, California. Petitioner, the Judges' Retirement System (JRS or Petitioner) was represented by Jeffrey R. Rieger, with Reed Smith LLP. Retired judge, Paul G. Mast (Respondent) appeared at the hearing and represented himself.

The record remained open for post-hearing briefing, and a Proposed Decision was issued February 10, 2016. The matter was subsequently remanded by the California Public Employees' Retirement System (CalPERS) for the ALJ to take further evidence.

As noted in the July 15, 2016 Telephonic Status Conference Order, both parties confirmed that they did not wish to submit any additional evidence or argument other than that submitted pursuant to the May 20, 2016 Telephonic Trial Setting Conference Order. Based on the parties' statements, the evidence reviewed on remand will be the evidence submitted during the original hearing (administrative record comprising 1,327 pages) and the evidence and argument submitted pursuant to the May 20, 2016 Telephonic Trial Setting Conference Order.

Given the foregoing, the following orders are hereby made:

1. The record shall re-open on August 19, 2016, to admit additional briefs and evidence submitted on remand. However, no additional testimony or oral argument will be taken. **Therefore, the August 19, 2016 hearing date is hereby vacated.**

2. The additional briefs and evidence submitted on remand by the parties shall be marked as follows: "Brief of Judge's Retirement System on Remand," marked as Exhibit 35; "Declaration of Jeffrey R. Rieger" (and attachments A and B), marked collectively as

Exhibit 36; "Declaration of Pamela Montgomery" (and attachments), marked collectively as Exhibit 37; "Respondent's Reply Brief," marked as Exhibit LL; and "Declaration of Paul Mast," marked as Exhibit MM.

3(a). The record will remain open to allow the parties to submit in writing any evidentiary objections as follows: Respondent may file and serve any objections to Exhibits 36 and/or 37, and Complainant may file and serve any objections to Exhibit MM.

3(b). Any written objection shall be filed and served by close of business August 26, 2016. Written objections are limited to one page per party, stating the legal grounds for any objections. The ALJ will rule on any written objections in the Proposed Decision on Remand.

4. In addition to the parties' submissions, the following shall be marked as evidence: The May 9, 2016 remand letter from CalPERS (and attached transcript excerpt from the Board of Administration meeting) shall be marked as Exhibit 38 and admitted; the May 20, 2016 Telephonic Trial Setting Conference Order shall be marked as OAH 1 and admitted; and the July 15, 2016 Telephonic Status Conference Order shall be marked as OAH 2 and admitted.

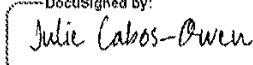
5. The record will re-close at close of business on August 26, 2016.

6(a). All documents must be filed with OAH's Los Angeles office electronically at laxfilings@dgs.ca.gov. When filing a document electronically, please do not file a hard copy of the same document by any other means, such as personal delivery or mail. Before filing any document electronically, review OAH's electronic filing and naming guidelines on the OAH website at www.dgs.ca.gov/oah. To ensure that OAH will accept an electronic filing, the filing must comply with the guidelines.

6(b). All documents may be served on the opposing party by telephone facsimile transmission if the sending party's equipment generates a written confirmation of transmission, a copy of which shall be affixed to the proof of service.

7. All further proceedings shall be carried out in accordance with the relevant provisions of Judge's Retirement Law (Gov. Code, § 75000, et seq.), the California Administrative Procedure Act (Gov. Code, § 11340, et seq.), and the Regulations of the Office of Administrative Hearings as set forth in California Code of Regulations, title 1, division 2.

DATED: August 10, 2016

DocuSigned by:

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JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE

Case Name: Mast, Paul G. (Remand)

OAH No.: 2015030996.1

I, Valentina Ortiz, declare as follows: I am over 18 years of age and am not a party to this action. I am employed by the Office of Administrative Hearings. My business address is 320 West Fourth Street, Suite 630, Los Angeles, CA 90013. On August 11, 2016, I served a copy of the following document in the action entitled above:

PRE-HEARING ORDER VACATING AUGUST 19, 2016 HEARING DATE

to each of the persons named below at the addresses listed after each name by the following methods:

Paul Mast

[REDACTED]
[REDACTED]

VIA US Mail and

VIA Email: [REDACTED]

Jeffrey R. Rieger, Attorney at Law

Reed Smith LLP

101 Second Street, Suite 1800

San Francisco, CA 94105-3659

VIA FACSIMILE: (415) 391-8269

United States Mail. I enclosed the document in a sealed envelope or package addressed to the person at the address listed above, and placed the envelope or package for collection and mailing, in accordance with the Office of Administrative Hearings' ordinary business practices, in Los Angeles, California. I am readily familiar with the Office of Administrative Hearings' practice for collecting and processing documents for mailing. Correspondences are deposited in the ordinary course of business with the United States Postal Service in a sealed envelope or package with postage fully prepaid.

Fax Transmission. Based upon agreement of the parties to accept service by fax transmission, I personally transmitted the above-described document to the person at the fax number listed above, from fax machine number (916) 376-6324, pursuant to Government Code section 11440.20 and California Code of Regulations, title 1, section 1008, subdivision (d).

Email or Electronic Transmission. Based on a court order or the agreement of the parties to accept service by Email or electronic transmission, I caused the document to be sent to the person at the Email address listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Los Angeles, California on August 11, 2016.

DocuSigned by:
Valentina Ortiz
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Valentina Ortiz, Declarant