

CalPERS Legal Office
Monthly New Case Report
May 16, 2018

NEW CASE REPORT

Name of Case:	Rudy Orozco v. California Public Employees' Retirement System
Date Received By Legal Office:	4/3/18
Attorney Contact:	Preet Kaur
Program Contact:	BNSD
Plaintiff:	Rudy Orozco
Defendant:	California Public Employees' Retirement System
Issues/Status:	Member Orozco filed this writ petition in the San Bernardino Superior Court on March 7, 2018, seeking an order directing CalPERS to award him an industrial disability retirement (IDR), as well as attorney's fees and costs. Previously, the member had filed for IDR and CalPERS had denied the application on March 3, 2017. Even though the denial letter had offered Mr. Orozco appeal rights, he did not appeal, choosing instead to file a second application for IDR. That application was rejected summarily by CalPERS. Mr. Orozco then retained an attorney and filed this Writ in Superior Court. A Status Conference is set for May 7, 2018.
Potential Monetary Impact:	Unknown at this time

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Name of Case:	Clare Byrd v. California State Personnel Board; California Public Employees' Retirement System; Board of Trustees of the California State University; and Does 1-50, Inclusive
Date Received By Legal Office:	4/3/18
Attorney Contact:	Christopher Phillips
Program Contact:	EAMD
Plaintiff:	Clare Byrd
Defendants:	California State Personnel Board; California Public Employees' Retirement System; Board of Trustees of the California State University
Issues/Status:	This is an appeal from a Superior Court order upholding CalPERS' determination that retroactively reinstating a retiree at a higher payrate pursuant to a settlement agreement was a sham transaction, in violation of the PERL. A Notice of Filing Appeal was issued by the Superior Court on March 29, 2018. A briefing schedule has not yet been set.
Potential Monetary Impact:	Unknown at this time

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Name of Case:	GlaxoSmithKline LLC, a Delaware limited liability company v. The California Public Employees' Retirement System, aka CalPERS, an agency of the State of California, the California Correctional Health Care Services, an agency of the State of California, and Covered California, an agency of the State of California
Date Received By Legal Office:	4/24/18
Attorney Contacts:	Marguerite Seabourn/Renee Salazar
Program Contact:	STRL
Plaintiff:	GlaxoSmithKline LLC
Defendants:	California Public Employees' Retirement System; California Correctional Health Care Services; Covered California

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Issues/Status:	A Complaint and Petition for Writ of Mandate was filed on April 24, 2018, by GlaxoSmithKline LLC against CalPERS and two other state agencies to prevent the release of allegedly confidential drug pricing information pursuant to a Public Records Act request served on CalPERS. The action seeks a declaratory judgment that the documents at issue are protected from disclosure under Government Code section 6254(k) and Evidence Code section 1060. An application for Temporary Restraining Order (TRO) filed on April 25, 2018, was heard by the Superior Court on April 26, 2018. The Superior Court granted the TRO as to Covered California and the Correctional Healthcare Services. It denied the TRO as to CalPERS in light of its representation that it would not disclose the subject pricing information until after the Court rules on plaintiff's application for a preliminary injunction. A hearing on the preliminary injunction was scheduled for June 22, 2018, at 1:30 p.m.
Potential Monetary Impact:	Unknown at this time

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NEW CASE REPORT

Name of Case:	Salvador Velasquez v. California Public Employees' Retirement System; Board of Administration of the California Public Employees' Retirement System; Does 1-100
Date Received By Legal Office:	4/25/18
Attorney Contact:	John Shipley
Program Contact:	EAMD
Plaintiff:	Salvador Velasquez
Defendants:	California Public Employees' Retirement System; Board of Administration of the California Public Employees' Retirement System

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Issues/Status:	CalPERS issued a determination that Petitioner Salvador Velasquez, the former CEO of East San Gabriel Human Services Consortium, violated various working after retirement laws and must repay CalPERS certain retirement benefits he improperly received. Instead of exhausting his administrative remedies, Velasquez filed a petition for writ of mandate in the Los Angeles Superior Court seeking an order (1) staying the administrative hearing process until unknown criminal actions against him have concluded; (2) declaring that CalPERS' regulations on hearings are unconstitutional; (3) prohibiting CalPERS from reducing his pension until a final resolution in the administrative action has been issued; and (4) awarding him attorney's fees.
Potential Monetary Impact:	Unknown at this time