

CalPERS Legal Office  
Monthly New Case Report  
September 16, 2020

### NEW CASE REPORT

<b>Name of Case:</b>	<b>Stephen W. Johnson and Tracy Johnson, his wife, v. A.O. Smith Corporation, et al.</b>
Date Received By Legal Office:	June 2020
Attorney Contacts:	Kyle Snow; Warren Astleford
Program Contact:	LEGO
Plaintiffs:	Stephen W. Johnson; Tracy Johnson
Defendants:	A.O. Smith Corporation, et al.
Other Parties:	Over 200 additional defendants
Issues/Status:	This is a wrongful death action filed in Allegheny, Pennsylvania in June 2020, alleging asbestos-related injuries against all former and current entities that allegedly had an interest in or were involved in the construction of an office building located in Pittsburgh, Pennsylvania. CalPERS retained outside counsel and anticipates filing motions to dismiss on various grounds prior to the beginning of discovery.
Potential Monetary Impact:	Unknown at this time

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<b>Name of Case:</b>	<b>Margaret Brown vs. Henry Jones, in his capacity as the President of California Public Employees' Retirement System, California Public Employees' Retirement System, and California Public Employees' Retirement System Board of Administration</b>
Date Received By Legal Office:	June 2020
Attorney Contacts:	Kevin Kreutz
Program Contact:	LEGO
Petitioner:	Margaret Brown
Respondents:	Henry Jones; CalPERS; and CalPERS Board of Administration
Other Parties:	None
Issues/Status:	This is a Writ of Mandate action filed in Sacramento County Superior Court in June 2020. Petitioner is a Board Member who seeks an order granting her administrative appeal rights with respect to discipline imposed by CalPERS' Board President, Mr. Jones, against her in December 2019. Respondents, through outside counsel, recently filed a demurrer seeking dismissal of the action in its entirety.

Potential Monetary Impact:	None
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<b>Name of Case (full name):</b>	<b>Newport Beach Police Association; Kelley Maslin; Michelle Hapton; Dallas Lopez vs. City of Newport Beach, a municipal corporation; California Public Employees Retirement System (CalPERS); Does 1 through 20, inclusive</b>
Date Received By Legal Office:	July 1, 2020
Attorney Contact:	John Shipley
Program Contact:	LEGO
Plaintiffs:	Newport Beach Police Association; Kelley Maslin; Michelle Hapton; Dallas Lopez
Defendants:	City of Newport Beach; California Public Employees' Retirement System
Other Parties:	None

Issues/Status:	In this Second Amended Complaint, CalPERS was added as a “necessary party” by the police association and some of its members, who are suing to retroactively amend the contract between the City and CalPERS to allow them to receive a 3% at 50 retirement formula. The City and plaintiffs recently settled the matter and CalPERS will be dismissed from the lawsuit with prejudice once the City makes payment to the individual plaintiffs.
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Potential Monetary Impact:	None
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### NEW CASE REPORT

<b>Name of Case (full name):</b>	<b>Daniel Cortazzo, an individual vs. City of Santa Clara, a municipality; and the California Public Employees' Retirement System</b>
Date Received By Legal Office:	July 7, 2020
Attorney Contact:	Charles Glauberman
Program Contact:	LEGO
Plaintiff:	Daniel Cortazzo
Defendants:	City of Santa Clara; California Public Employees Retirement System
Other Parties:	None

Issues/Status:	This Complaint alleges that plaintiff should have been credited with a retroactive increase in pay of 2.5% which was part of a Memorandum of Understanding (MOU) agreement reached in September 2018. Plaintiff alleges he was not paid the retroactive increase, but claims he is entitled to it even though he resigned/retired before the MOU was signed. Plaintiff's claim against CalPERS is that his final compensation for computation of his retirement should be higher based on the 2.5% retroactive increase. CalPERS' counsel negotiated a dismissal without prejudice to release CalPERS from this case, as there is no controversy ripe for adjudication against CalPERS until the pay increase dispute is decided in favor of plaintiff. The dismissal without prejudice was filed on August 20, 2020.
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Potential Monetary Impact:	None
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