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8 Attorneys for Plaintiffs MICHAEL R. O'NEAL,
9 RHONDA BIESEMEIER, and DENNIS J. NASRAWI

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF STANISLAUS**

12 MICHAEL R. O'NEAL, RHONDA BIESEMEIER,)
13 and DENNIS J. NASRAWI,)

14 Plaintiffs,)

15 v.)

16 STANISLAUS COUNTY EMPLOYEES')
17 RETIREMENT ASSOCIATION, and DOES 1-30,)

18 Defendants.)

CASE NO: 648469

DECLARATION OF MICHAEL A.
CONGER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND/OR
SUMMARY ADJUDICATION

Date: September 22, 2014

Time: 10:00 a.m.

Dept. 2

Judge: Hon. Leslie C. Nichols

Complaint Filed: November 30, 2009

Trial Date: October 27, 2014

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20 I, Michael A. Conger, declare as follows:

21 1. I am an attorney at law duly licensed to practice before all courts of the State of
22 California. I have personal knowledge of the matters stated herein and if called to do so could
23 testify competently thereto.

24 2. The documents attached to the accompanying Notice of Lodgment in Support of
25 Plaintiffs' Motion for Summary Judgment and/or Summary Adjudication are true and correct
26 copies of what they purport to be. Specifically:

27 Exhibit 1: Excerpts from Stanislaus County Employees' Retirement Association
28 (Pension Trust Fund for the County of Stanislaus, California)

1 Comprehensive Annual Financial Report For the Fiscal Years Ended June
2 30, 2008, and June 30, 2007,

3 is a true and correct copy of relevant excerpts of that document which I personally downloaded
4 from StanCERA's web site.

5 Exhibit 2: Excerpts from the deposition of StanCERA's expert, Robert T. McCrory,
6 dated June 23, 2014,

7 are true and correct copies of relevant excerpts of a deposition I personally took.

8 Exhibit 3: June 30, 2008 Actuarial Report Supplemental Schedules;

9 Exhibit 4: Excerpts (page 71) from StanCERA's Actuarial Review and Analysis as
10 of June 30, 2012;

11 Exhibit 5: Memorandum from Tom Watson, StanCERA's Retirement Administrator,
12 to Retirement Board for the meeting held on June 9, 2010;

13 Exhibit 6: Memorandum from StanCERA's attorney, Deirdre McGrath and Tom
14 Watson, StanCERA's Retirement Administrator, to StanCERA's Board,
15 dated March 6, 2009;

16 Exhibit 7: Excerpts from StanCERA's Actuarial Review and Analysis as of June 30,
17 2008;

18 Exhibit 8: Excerpts from StanCERA's Actuarial Review and Analysis as of June 30,
19 2009;

20 Exhibit 9: June 30, 2009 Actuarial Report Supplemental Schedules;

21 Exhibit 10: Excerpts from StanCERA's Actuarial Review and Analysis as of June 30,
22 2010;

23 Exhibit 11: June 30, 2010 Actuarial Report Supplemental Schedules; and

24 Exhibit 12: Memorandum dated April 24, 2009, from StanCERA's actuaries Graham
25 Schmidt and Robert McCrory of EFI Actuaries

26 are true and correct copies of documents (or excerpts of them) produced by StanCERA in
27 verified discovery responses in this case, which I personally received directly from StanCERA.


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1 3. The document attached as Exhibit 1 to the accompanying Plaintiffs' Request for
2 Judicial Notice of (1) the Legislative History of the California Pension Protection Act of 1992
3 and (2) the True Meaning of "Negative Amortization" is a true and correct copy of a portion of
4 the November 1992 California Ballot Pamphlet which contains the "legislative" history of
5 Proposition 162. I requested and received that document from the Legislative Intent Service.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Executed this 3rd day of July, 2014, at Jay, Oklahoma.

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Michael A. Conger