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**FILED**  
STEPHEN THUNBERG  
Clerk of the Superior Court  
NOV 09 2001  
By: L. JONES, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

KENNETH LEE ANDRECHT, LORETTA )  
Dwyer Mangan, Marc Brakebill, )  
Stephen Byrd, Don Claypool, )  
Salvador Colin, John W. Forsythe, )  
Dave Garrity, Sheila Herron Angela )  
Innes, Mario Martinez, Columbus )  
Offord, Joseph Parra, Pedro Quiroz, )  
JR., Cynthia A. Sarmiento-Markley, and )  
Laura Tosatto, individually, and on behalf of )  
all others similarly situated, )

Plaintiffs, )

v. )

THE SAN DIEGO UNIFIED PORT DISTRICT; )  
SAN DIEGO CITY EMPLOYEES' RETIREMENT )  
SYSTEM; THE CITY OF SAN DIEGO; and DOES )  
1 through 50, inclusive, )

Defendants. )

\_\_\_\_\_  
AND ALL RELATED CROSS-ACTION )  
\_\_\_\_\_ )

CASE NO: GIC746436

Date: November 9, 2001  
Time: 11:30 a.m.  
Judge: Robert E. May  
Dept: 63  
Action Date: April 7, 2000  
Trial: October 12, 2001  
(Vacated due to settlement of case)

**ORDER AND JUDGMENT  
APPROVING SETTLEMENT OF  
CLASS ACTION**

This matter comes on for a hearing this 9th day of November, 2001, in Department 63 of the Superior Court of the State of California, in and for the County of San Diego, the Honorable Robert E. May, on a motion brought concurrently by each party to approve the terms of a settlement. Appearing for the plaintiffs were Michael A. Conger and Michael A. Lackie.

1 David B. Hopkins appeared for the defendant, San Diego Unified Port District and specially  
2 appeared for Theresa C. McAteer for defendant, City of San Diego. Sheila M. Leone appeared  
3 for the defendant, San Diego City Employees Retirement System.

4 Based on the arguments and evidence presented, and after due consideration of the  
5 factors as set forth in *Dunk v. Ford Motor Company* (1996) 48 Cal.App.4th 1794, 1801,

6 IT IS ORDERED, ADJUDGED AND DECREED that the proposed settlement as set  
7 forth in the "Notice of Class Action and Proposed Settlement," filed September 19, 2001 (and  
8 attached at Tab #1), as corrected to indicate its filing in Case No. GIC746436, is approved by  
9 the court.

NOV 09 2001

ROBERT E. MAY

10  
11 Date: November \_\_\_\_\_, 2001

HON. ROBERT E. MAY  
Superior Court of The State of California  
County of San Diego

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**TAB #1**

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**F I L E D**  
STEPHEN THUNBERG  
Clerk of the Superior Court

SEP 19 2001

By: P. ASHWORTH, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO (CENTRAL DIVISION)

KENNETH LEE ANDRECHT, LORETTA DWYER  
MANGAN, MARK BRAKEBILL, STEPHEN BYRD,  
DON CLAYPOOL, SALVADOR COLIN, JOHN W.  
FORSYTHE, DAVE GARRITY, SHEILA HERRON,  
ANGELA INNES, MARIO MARTINEZ, COLUMBUS  
OFFORD, JOSEPH PARRA, PEDRO QUIROZ, JR.,  
CYNTHIA A. SARMIENTO-MARKLEY, and LAURA  
TOSATTO, individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

THE SAN DIEGO UNIFIED PORT DISTRICT; SAN  
DIEGO CITY EMPLOYEES' RETIREMENT SYSTEM;  
THE CITY OF SAN DIEGO; and DOES 1 through 50,  
INCLUSIVE,

Defendants.

CASE NO. 722449

NOTICE OF CLASS ACTION  
AND PROPOSED  
SETTLEMENT

I/C Judge Robert E. May  
Dept. 63  
Date: November 9, 2001  
Time: 11:30 a.m.  
Complaint Filed: April 7, 2000

AND RELATED COMPLAINTS IN INTERVENTION  
AND CROSS-ACTIONS

**NOTICE TO CLASS MEMBERS OF CLASS ACTION AND OF  
PROPOSED SETTLEMENT  
IMPORTANT NOTICE ABOUT YOUR RETIREMENT BENEFITS  
FROM THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

I.

**INTRODUCTION**

1  
2  
3 Please read this Notice carefully if you either currently receive, or will be entitled to receive  
4 in the future, retirement benefits from the San Diego City Employees' Retirement System  
5 ("SDCERS") as a result of employment with the San Diego Unified Port District ("PORT  
6 DISTRICT"), or are otherwise a member of the "PLAINTIFF CLASS" as described below. A copy  
7 of this Notice is being mailed by the PORT DISTRICT to the current home address in the PORT  
8 DISTRICT's records for each active employee and by SDCERS to the current home mailing address  
9 for each retired member of SDCERS receiving benefits as a result of employment with the PORT  
10 DISTRICT. A copy of this Notice will also be posted on The PORT DISTRICT'S Intranet web site  
11 (accessible to employees only): <http://internal>.

12 The named parties and their counsel of record have reached a proposed Settlement of this  
13 case. This Notice describes the terms of the proposed Settlement. To become effective, the  
14 proposed Settlement must be approved by the Court. To determine whether the Court should  
15 approve the proposed Settlement, there will be a hearing on November 9, 2001, at 11:30 a.m. before  
16 the Honorable Robert E. May in Department 63 of the Superior Court for the State of California,  
17 County of San Diego, located at 330 West Broadway, San Diego, California 92101. The hearing will  
18 continue through the lunch hour, and thereafter until it is completed. You may attend.

19 If you are a member of the "PLAINTIFF CLASS" and wish to object to the proposed  
20 Settlement, you have an opportunity to do so by following the procedures set out in Section V of this  
21 Notice. You may attend the November 9 hearing in any event, whether you object to the proposed  
22 Settlement or not.

23 If the Settlement is approved by the Court, and if you are a member of the "PLAINTIFF  
24 CLASS," the Settlement will be binding on you whether or not you have objected to the Settlement.  
25 If the Settlement is approved, the "PLAINTIFF CLASS" will receive certain increased retirement  
26 benefits or disability retirement benefits, and each member is giving up his/her right to trial and  
27 giving up all claims which could have been brought or pursued in this lawsuit. Those claims include,

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1 but are not limited to: the calculation of retirement benefits or disability retirement benefits based  
2 on which elements of a PORT DISTRICT employee's compensation or remuneration should be  
3 included in the calculation; whether those elements to be included in that calculation for a PORT  
4 DISTRICT employee may differ from the elements to be included for the calculation for an  
5 employee of any other employer, including the City of San Diego (the CITY); and the definition of  
6 Compensation, base compensation, Compensation Earnable or Final Compensation under the  
7 Municipal Code and under agreements between the PORT DISTRICT and the CITY for purposes  
8 of calculating retirement or disability retirement benefits payable as a result of employment with the  
9 PORT DISTRICT.

10 THE PLAINTIFF CLASS CONSISTS OF ALL PERSONS WHO MAY CLAIM ANY  
11 RIGHT, WHETHER OR NOT CURRENTLY VESTED, TO RECEIVE RETIREMENT BENEFITS  
12 FROM THE SAN DIEGO CITY EMPLOYEES RETIREMENT SYSTEM ("SDCERS") AS A  
13 RESULT OF EMPLOYMENT BY THE PORT DISTRICT, INCLUDING BUT NOT LIMITED TO  
14 ALL SUCH CURRENT EMPLOYEES OF THE PORT DISTRICT (INCLUDING THOSE WHO  
15 HAVE ELECTED TO PARTICIPATE IN THE DEFERRED RETIREMENT OPTION PLAN  
16 ("DROP")), FORMER EMPLOYEES OF THE PORT DISTRICT WHOSE RETIREMENT  
17 BENEFITS MAY BE DEFERRED, RETIRED FORMER EMPLOYEES OF THE PORT  
18 DISTRICT CURRENTLY RECEIVING RETIREMENT BENEFITS FROM SDCERS, ALL  
19 CURRENT MEMBERS OF SDCERS AS A RESULT OF EMPLOYMENT BY THE PORT  
20 DISTRICT, AND PERSONS WHO MAY CLAIM RETIREMENT BENEFITS FROM SDCERS  
21 AS A RESULT OF SOME OTHER PERSON'S CURRENT OR PAST EMPLOYMENT BY THE  
22 PORT DISTRICT, SUCH AS AS A BENEFICIARY, SURVIVOR, SUCCESSOR IN INTEREST,  
23 OR AS A PAYEE UNDER A DOMESTIC RELATIONS ORDER ("DRO") RELATING TO THE  
24 RETIREMENT BENEFITS OF ANOTHER PERSON WHO IS OR WAS A CURRENT OR  
25 FORMER EMPLOYEE OF THE PORT DISTRICT. THE LAWSUIT CONCERNS THE  
26 CALCULATION OF RETIREMENT BENEFITS PAID BY SDCERS TO ALL MEMBERS OF  
27 THE CLASS AS A RESULT OF ANY EMPLOYMENT WITH THE PORT DISTRICT, AND THE  
28 CONTRIBUTIONS REQUIRED TO BE PAID TO RECEIVE THOSE BENEFITS.

1  
2 II.

3 **PROCEDURAL HISTORY AND NATURE OF THE CLAIMS**

4 Plaintiffs KENNETH LEE ANDRECHT and LORETTA DWYER MANGAN filed this  
5 action on April 7, 2000. They and the other plaintiffs filed a First Amended Complaint on July 7,  
6 2000. In addition to the named individual plaintiffs, one union has intervened: the California  
7 Teamsters Public, Professional and Medical Employees Union Local 911 (the TEAMSTERS).

8 The First Amended Complaint names as defendants the PORT DISTRICT, SDCERS and the  
9 City of San Diego (the CITY). Generally, plaintiffs contend that retirement benefits paid by  
10 SDCERS as a result of employment by the PORT DISTRICT had not been properly calculated in  
11 light of the California Supreme Court's August 1997 decision in Ventura County Deputy Sheriff's  
12 Association v. Board of Retirement of Ventura County Employees' Retirement Association and in  
13 light of applicable provisions of the San Diego Municipal Code and contracts between the PORT  
14 DISTRICT and the CITY.

15 In Ventura, the California Supreme Court ruled that the Retirement Board in that case was  
16 required to classify certain payments made by the County of Ventura to its employees over and above  
17 their basic salaries as "compensation earnable" and to include those payments in "final  
18 compensation" used to calculate the amount of monthly pension benefits payable to the retired  
19 employees under the County Employees' Retirement Law of 1937 ("CERL"), Government Code  
20 Section 31450, *et seq.* Plaintiffs in this case allege that the same rationale should be applied to  
21 certain payments made by the PORT DISTRICT. Plaintiffs further allege that statutes and contracts  
22 between the CITY and the PORT DISTRICT require that retirement benefits payable to PORT  
23 DISTRICT employees must be identical to those provided by the CITY to its employees.

24 On September 5, 2000 Defendants SDCERS, the PORT DISTRICT and the CITY filed  
25 Answers and the PORT DISTRICT filed a Cross-Complaint alleging, generally, that retirement  
26 benefits have been properly calculated and paid under applicable law and according to agreements  
27 and long-standing practices and, in the alternative, that, if retirement benefits must be increased to  
28

1 certain payees, the Court must also determine the allocation among the parties of the costs of those  
2 increased benefits.

3 Counsel for all parties have agreed, and the Court ordered in June 2001, that this case be  
4 certified as a no opt out class action, for the reason that the rules for calculating retirement benefits  
5 must be the same for all persons to the extent they are claiming benefits as a result of employment  
6 with the PORT DISTRICT, whether they were actively involved in this case or not. The Court has  
7 ordered that all members of the PLAINTIFF CLASS be notified of the existence of this case, that  
8 it could affect their rights, and of the proposed Settlement. This Notice has been prepared and/or  
9 approved by counsel for all parties and has been approved by the Court.

10 All of the parties and counsel in this case participated in a mediation with Howard B. Wiener,  
11 a retired Justice of the Court of Appeal of the State of California. As a result of the mediation, the  
12 parties and counsel were able to reach an agreement to settle the case. Each of the parties and  
13 counsel recognized that the litigation presented risks, and that the case could result in an outcome  
14 more favorable or less favorable to any party.

### 15 III.

#### 16 DESCRIPTION OF THE PROPOSED SETTLEMENT

17 A. **Proposed Settlement for All Class Members (or Their Beneficiaries) who are**  
18 **Vested Retired Members of SDCERS as a Result of Employment with the PORT**  
19 **DISTRICT or Retired From Employment by the PORT DISTRICT of San Diego**  
**on or Before January 1, 2002.**

20 If you are receiving retirement benefits, or disability retirement benefits, from SDCERS as  
21 a result of active employment with the PORT DISTRICT that terminated on or before January 1,  
22 2002, (including former DROP participants who have ceased active employment prior to January 1,  
23 2002), or if you are a vested deferred member of SDCERS as a result of employment with the PORT  
24 DISTRICT, your retirement benefit payment (with the exception of the Supplemental COLA  
25 adjustment and the Annual Supplemental Benefit (the "13<sup>th</sup> check")) will increase by a simple seven  
26 per cent (7%), prospectively, effective January 1, 2002.

27 In addition, this seven per cent (7%) increase will apply to all such retirement benefit  
28 payments you (or your DROP account) have received since July 1, 1995. You will receive the



1 retroactive payment in a single lump sum payment within forty-five days after satisfaction of the  
2 condition subsequent to the Settlement. (It is anticipated that the condition will be satisfied by the  
3 end of 2001, and that the retroactive payment will be made on January 31, 2002.) If you have chosen  
4 to leave the balance of your DROP account retained by SDCERS, you may elect to have your  
5 retroactive payment deposited in that account.

6 The retroactive payments pursuant to this proposed Settlement will be paid with respect to  
7 estates of retired members only in the event there is a designated beneficiary eligible for a  
8 continuance (hereinafter "Beneficiary") to the retirement benefit and, in that event, will be paid only  
9 to the designated Beneficiary. As a hypothetical example, if a member who was retired prior to  
10 July 1, 1995 died on June 30, 1997 and designated a Beneficiary, the retroactive payment paid to the  
11 Beneficiary will be seven percent (7%) of the full retirement benefit for the two-year period from  
12 July 1, 1995 through June 30, 1997 and seven percent (7%) of the Beneficiary's benefit for the  
13 remaining three years of the retroactive period. (In both instances, the retirement benefit excludes  
14 any Supplemental COLA adjustment and the Annual Supplemental Benefit (the "13<sup>th</sup> check").

15 The seven percent (7%) increase in retirement benefits paid to retired members of the  
16 PLAINTIFF CLASS is less than the ten percent (10%) increase that active employees may elect to  
17 receive (as described below), because retired employees did not make contributions to SDCERS  
18 during the period of their employment for these increased benefits, while active employees will make  
19 contributions for their increased benefits in the future.

20 **B. Proposed Settlement for All Active Employee "Safety Members" as Defined by**  
21 **the San Diego Municipal Code.**

22 If you are employed by the PORT DISTRICT at any time on or after July 1, 2000, and are  
23 classified as a Safety Member, you will be allowed, as a vested benefit, to make an election at the  
24 time of your retirement between the following two choices for the calculation of your retirement  
25 benefit (with the exception of the Supplemental COLA adjustment and the Annual Supplemental  
26 Benefit (the "13<sup>th</sup> check")):

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1 1. Your Retirement Calculation Factor will be increased from the factor which would  
2 otherwise have taken effect on January 1, 2002 to a new factor as shown below:

| 3 Retirement Age: | Current 1/1/02 Factor | Settlement Factor |
|-------------------|-----------------------|-------------------|
| 4 50              | 2.5%                  | 3.0%              |
| 5 51              | 2.54%                 | 3.0%              |
| 6 52              | 2.58%                 | 3.0%              |
| 7 53              | 2.62%                 | 3.0%              |
| 8 54              | 2.66%                 | 3.0%              |
| 9 55+             | 2.70%                 | 3.0%              |

10 2. Or, your retirement benefit will be calculated on the basis of the "Current 1/1/02  
11 Factor" shown above, but your retirement benefit (with the exclusion of the  
12 Supplemental COLA adjustment and the annual Supplemental Benefit (the "13<sup>th</sup>  
13 check")) will be increased by ten percent (10%), by increasing your final  
14 compensation (that is, your highest one-year compensation subject to retirement  
15 contributions) by ten per cent (10%).

16 Starting on January 1, 2002, your employee contribution to SDCERS will increase by an  
17 amount to be determined by SDCERS' actuary as the employee normal contribution to fund the  
18 payment of additional retirement benefits. The amount of that increase is currently estimated to be  
19 300 basis points. However, the PORT DISTRICT will increase the retirement offset it pays on your  
20 behalf by 80 basis points for the five year period ending December 31, 2006.

21  
22 **C. Proposed Settlement for All Active Employee "General Members" as Defined in  
23 the San Diego Municipal Code.**

24 If you are employed by the PORT DISTRICT at any time on or after January 1, 2002, and are  
25 classified as a General Member of SDCERS, you will be allowed, as a vested benefit, to make an  
26 election at the time of your retirement between the following two choices for the calculation of your  
27 retirement benefit (with the exception of the Supplemental COLA adjustment and the Annual  
28 Supplemental Benefit (the "13<sup>th</sup> check")):

- 1           1.    Your Retirement Calculation Factor will be increased from the current factor to the  
2                    new factor shown below:

| 3           Retirement Age:  | Current Factor | Settlement Factor |
|------------------------------|----------------|-------------------|
| 4                    55 - 58 | 2.0%           | 2.25%             |
| 5                    59      | 2.08%          | 2.25%             |
| 6                    60      | 2.16%          | 2.30%             |
| 7                    61      | 2.24%          | 2.35%             |
| 8                    62      | 2.31%          | 2.40%             |
| 9                    63      | 2.39%          | 2.45%             |
| 10                   64      | 2.47%          | 2.50%             |
| 11                   65+     | 2.55%          | 2.55%             |

- 12           2.    Or, your retirement benefit will be calculated on the basis of the Current Factor  
13                    shown above, but your retirement benefit (with the exclusion of the Supplemental  
14                    COLA adjustment and the annual Supplemental Benefit (the "13<sup>th</sup> check")) will be  
15                    increased by ten percent (10%), by increasing your final compensation (that is, your  
16                    highest one-year compensation subject to retirement contributions) by ten per cent  
17                    (10%).

18           Starting on January 1, 2002, your employee contribution to SDCERS will increase by an  
19           amount to be determined by SDCERS' actuary as the employee normal contribution to fund the  
20           payment of additional retirement benefits. The amount of that increase is currently estimated to be  
21           86 basis points.

22  
23    **D.    Proposed Settlement for All Currently Employed DROP Participants.**

24           If you have elected, or elect prior to January 1, 2002 to participate in the PORT DISTRICT's  
25           Deferred Retirement Option Program ("DROP"), and are still actively employed by The PORT  
26           DISTRICT as of January 1, 2002, any retirement benefit payments payable into your DROP account  
27           prior to January 1, 2002 (with the exception of any Supplemental COLA adjustment and the Annual  
28           Supplemental Benefit (the "13<sup>th</sup> check")) will be increased by seven per cent (7%) (the "Retroactive

1 Payment"), and all such retirement benefit payments to be made on or after January 1, 2002 into  
2 your DROP account or otherwise, will be increased by ten per cent (10%) (the "Prospective  
3 Payment"). Your Retroactive Payment will be paid forty-five days after satisfaction of all  
4 contingencies to the Settlement. (It is anticipated that all contingencies will be satisfied by the end  
5 of 2001, and that the retroactive payment will be made on January 31, 2002.)  
6

7 **E. Future Calculation of Compensation Subject to Retirement Contributions.** The terms  
8 compensation and compensation earnable are no longer relevant to the calculation of retirement or  
9 disability retirement benefits related to employment with the PORT DISTRICT. Retirement benefits  
10 will be based upon compensation subject to retirement contribution. Compensation subject to  
11 retirement contribution will be those same elements of compensation or remuneration which the  
12 PORT DISTRICT reported to SDCERS as Compensation Earnable prior to the Settlement (that is,  
13 base pay), plus the following premium pay items and differentials, some of which the PORT  
14 DISTRICT did not previously include, which will be added as a vested benefit:

15 Educational incentive pay, including advance or intermediate post day

16 Bilingual pay

17 Narcotics task force officer pay

18 Dive team pay

19 Field Officer training pay

20 Canine pay

21 Court witness pay

22 Floating holiday

23 Paycheck correction adjustments

24 Watch Commander Differential

25 Stipends

26 Standby pay

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- 1 Holiday pay
- 2 Acting out of class pay
- 3 Fuel truck driver
- 4 Locksmith
- 5 Back flow repair
- 6 Oversight county work fair crew
- 7 Pesticide applicator
- 8 Diving/divers
- 9 Railroad repair worker
- 10 Lead plumber
- 11 Lead electrician
- 12 Lead Maint. Mechanic
- 13 Lead equipment operator
- 14 Lead equipment operator I
- 15 Lead equipment operator II
- 16 Lead maintenance worker II
- 17 Lead maintenance worker III
- 18 Lead gardener II
- 19 Lead custodian
- 20 Lead diver
- 21 Lead boat operator
- 22 Lead night shift
- 23 Lead regular shift
- 24 Lead Traffic Enforcement Officer
- 25 Paycheck correction adjustments
- 26 ///
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1 **F. Future Benefits.**

2 Any new or additional premium pay items or differentials will be included in Compensation  
3 which the PORT DISTRICT agrees to pay in the future, but which are not listed in the previous  
4 section will be subject to retirement contributions unless expressly excluded in the MOU or salary  
5 ordinance establishing the additional item.

6 Retirement and disability retirement benefits payable as a result of employment with the  
7 PORT DISTRICT shall be made without reference to benefits payable by any other employer or  
8 entity, including the CITY. Nothing in this Settlement shall be deemed to grant to any party any  
9 approval rights over any other actions of the PORT DISTRICT or SDCERS. All parties  
10 acknowledge that nothing in this Settlement shall affect in any way the power of the PORT  
11 DISTRICT to make any future changes in its retirement plan (except to the extent that this  
12 Settlement creates vested benefits) or to the negotiating right of any labor organizations negotiating  
13 with the PORT DISTRICT.

14  
15 **G. Payment of Attorneys' Fees.** SDCERS and the PORT DISTRICT have agreed with counsel  
16 for Plaintiffs and the Intervenors to pay them a total amount of six hundred thousand dollars  
17 (\$600,000) in satisfaction of all their claims for attorneys' fees and costs incurred and to be incurred  
18 with respect to this case. The payment will be paid half by SDCERS and half by the PORT  
19 DISTRICT at the same time as the Retroactive Payment is made to retirees and to DROP participants  
20 under this Settlement.

21  
22 **IV.**

23 **TIMING, PROCEDURES, CONDITION AND EFFECTIVE DATE**

24 This Notice contains the terms of the proposed Settlement. Once approved by the Court, this  
25 Notice becomes the Settlement and this Notice becomes the formal and complete Settlement  
26 Agreement.

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1 A condition of the Settlement is approval of the benefit changes provided herein is required  
2 by the SDCERS membership as required by the San Diego Municipal Code. This approval process  
3 will take place after approval by the Court.

4 Payments may not be made under this Settlement until after satisfaction of the condition  
5 subsequent, or January 1, 2002, whichever occurs first. If satisfaction of the condition subsequent  
6 is delayed until after January 1, 2002, the Effective Date will remain unchanged. In that event,  
7 payments required under the Settlement will accrue as of that date and be paid after the condition  
8 subsequent is satisfied.

9 If the condition subsequent is not satisfied, the Settlement is void and the litigation will  
10 resume.

11 V.

12 **THE SETTLEMENT HEARING AND OPTIONS OF CLASS MEMBERS**

13 Because of the nature of this lawsuit, you will not have an opportunity to be excluded from  
14 the Settlement of this case if it is approved by the Court. That means that, if and when the  
15 Settlement is approved by the Court, you will be bound by it. However, if you wish, you may object  
16 to the terms of the Settlement and argue to the Court that it should not be implemented.

17 If you object to the terms of the Settlement, you may appear in person or through any  
18 attorney of your choice and be heard in opposition. You may object on the grounds of the fairness,  
19 reasonableness, and adequacy of the Settlement. To object, you must, no later than November 2,  
20 2001 deliver to counsel for your SUB-CLASS at the address set out below documentary proof that  
21 you are a member of the Settlement class and a written statement of the basis of your objection. Mr.  
22 Conger will provide to the Court and all other counsel an index and copies of any objections, by  
23 November 7, 2001.

24 VI.

25 **NOTICE OF ATTORNEYS OF RECORD**

26 If you submit any objections or other papers regarding the proposed Settlement, a copy should  
27 be sent to the attorney for your Sub-Class at the address listed below:  
28

1 1. **Michael A. Conger, Esq.**, Law Offices of Michael Conger, 16236 San Dieguito Road, Suite  
2 5-21, Rancho Santa Fe, San Diego, CA 92067, phone (858) 759-0200, fax (858) 759-1906; e-mail:  
3 [congermike@aol.com](mailto:congermike@aol.com), attorney for both "Sub-classes A and B," which consist of:

4 **Sub-class A:** All former employees of the PORT DISTRICT who  
5 are classified as retired by SDCERS (including those who have elected  
to participate in the Deferred Retirement Option Plan ("DROP")); and

6 **Sub-class B:** All other persons who are in the class (that is, all  
7 persons who may claim any right, whether or not currently vested, to  
8 receive retirement benefits from SDCERS as a result of employment  
9 by the PORT DISTRICT), but who are not members of Sub-class C.  
10 Sub-class B includes all current employees (including those who have  
11 elected to participate in the Deferred Retirement Option Plan  
12 ("DROP"), except those current employees who are members of the  
13 TEAMSTERS (who are the members of Sub-class C). Sub-class B  
14 also includes all persons who may claim any right, whether or not  
currently vested, to receive retirement benefits from SDCERS as a  
result of any other person's current or past employment by the PORT  
DISTRICT (including those who have elected to participate in the  
Deferred Retirement Option Plan ("DROP")), including as a current  
or former employee's beneficiary, survivor, or successor in interest,  
or as a payee under a Domestic Relations Order relating to the  
retirement benefits of some other person currently or formerly  
employed by the PORT DISTRICT.

15 2. **Michael D. Lackie, Esq.** of Lackie and Dammeier, 10970 Arrow Rte., Ste. 202, Rancho  
16 Cucamonga, CA, 91730 phone (909) 484-1114, fax(909) 484-1104 ; e-mail  
17 [office@policeattorney.com](mailto:office@policeattorney.com) , attorney for "Sub-class C," which consists of:

18 All current employees of the PORT DISTRICT (including those who  
19 have elected to participate in the Deferred Retirement Option Plan  
20 ("DROP")) who are members of California Teamsters Public,  
Professional and Medical Employees Union Local 911.

21 3. **David B. Hopkins, Esq.**, Hillyer & Irwin, 500 West C Street, Suite 1600, San Diego, CA  
22 92101, phone (619) 234-6121, fax (619) 595-1313, e-mail [dhopkins@hillyer-irwin.com](mailto:dhopkins@hillyer-irwin.com) attorney for  
23 the PORT DISTRICT.

24 4. **Sheila M. Leone, Esq.**, Associate General Counsel San Diego City Employees Retirement  
25 System, 401 B Street, Suite 400, San Diego, CA, 92101, phone (619) 533-4600, fax (619) 533-4611,  
26 attorney for SDCERS.

27 5. **Theresa C. McAteer, Esq.**, Deputy City Attorney, City of San Diego, 1200 Third Ave., Suite  
28 1100, San Diego, CA, 92101, phone (619) 236-7724, fax, (619) 533-5847, attorney for the CITY.



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VII.

**CHANGE OF ADDRESS**

If you move after receiving this notice or if it was misaddressed, and if you are a deferred or retired member, beneficiary, survivor or successor in interest of any member of SDCERS who claims benefits as a result of employment with the PORT DISTRICT, you should supply your name and correct address to the San Diego City Employees' Retirement System, 401 B Street, Suite 400, San Diego, CA, 92101. If you are an active employee of the PORT DISTRICT, you should supply that information to the payroll department of the PORT DISTRICT of San Diego. **THIS IS IMPORTANT SO THAT FUTURE NOTICES REACH YOU.**

VIII.

**EXAMINATION OF PAPERS AND INQUIRIES**

The pleadings and all of the records of this litigation may be examined and copied at any time during regular office hours of the Clerk of the Superior Court at the Hall of Justice, Second Floor, Room 225 (Civil Records and Filings), 330 West Broadway, San Diego, California 92101.

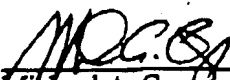
**IF YOU HAVE QUESTIONS OR COMMENTS, DO NOT CALL OR WRITE TO THE COURT OR THE CLERK OF THE COURT. PLEASE ADDRESS ALL INQUIRIES IN WRITING TO THE COUNSEL FOR YOUR SUB-CLASS, STATED ABOVE.**

Date: SEP 19 2001

**ROBERT E. MAY**  
HON. ROBERT E. MAY  
Superior Court of The State of California  
County of San Diego

**SO APPROVED AS THE SETTLEMENT AGREEMENT, SUBJECT TO COURT APPROVAL:**

Date: 9/19/01

LAW OFFICES OF MICHAEL CONGER  
  
Michael A. Conger  
Attorney for Sub-classes A and B

1 Date: 9/19/01

LACKIE AND DAMMEIER

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3

Michael D. Lackie  
Michael D. Lackie  
Attorney for Sub-class B

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SAN DIEGO UNIFIED PORT DISTRICT

7

8 Date: \_\_\_\_\_

\_\_\_\_\_  
Dennis P. Bouey  
Executive Director

9

10

11 Date: 9/19/01

David B. Hopkins  
David B. Hopkins  
Hillyer & Irwin, APC  
Attorneys for The PORT DISTRICT  
(Approving as to Form)

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SDCERS RETIREMENT BOARD OF ADMINISTRATION

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17 Date: \_\_\_\_\_

\_\_\_\_\_  
Lawrence B. Grissom  
Administrator

18

19

20 Date: \_\_\_\_\_

\_\_\_\_\_  
Sheila M. Leone, Esq.  
Associate General Counsel  
(Approving as to Form)

21

22

CITY OF SAN DIEGO

23

24

25

26 Date: 9-24-01

Michael T. Uberuaga  
Michael T. Uberuaga  
City Manager

27

28

29 Date: 9/24/01

Theresa C. McAteer  
Theresa C. McAteer, Esq.  
Deputy City Attorney  
(Approving as to Form)

1 Date: 9/19/01

LACKIE AND DAMMEIER

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Michael D. Lackie  
Michael D. Lackie  
Attorney for Sub-class B

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17 Date: \_\_\_\_\_

Signature on next page  
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Administrator

18

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21 Date: \_\_\_\_\_

Signature on next page  
Sheila M. Leone, Esq.  
Associate General Counsel  
(Approving as to Form)

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CITY OF SAN DIEGO

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Michael T. Uberuaga  
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City Manager

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30 Date: \_\_\_\_\_

Theresa C. McAteer, Esq.  
Theresa C. McAteer, Esq.  
Deputy City Attorney  
(Approving as to Form)

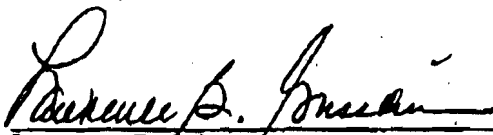
SDCERS RETIREMENT BOARD OF ADMINISTRATION

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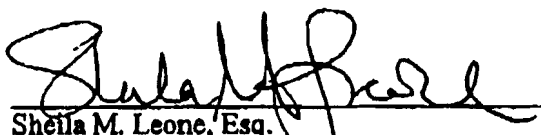
Date: Sept. 21, 2001

  
\_\_\_\_\_  
Frederick Pierce  
President, Board of Administration

Date: September 21, 2001

  
\_\_\_\_\_  
Lawrence B. Grissom  
Administrator

Date: SEP 21, 2001

  
\_\_\_\_\_  
Sheila M. Leone, Esq.  
Associate General Counsel  
(Approving as to Form)