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8 Attorneys for Plaintiffs Ananta Baidya, Jon Coffman,
9 Jennifer Smith and Carol L. Young, individually, and on
10 behalf of all others similarly situated

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

14 ANANTA BAIDYA, JON COFFMAN,)
15 JENNIFER SMITH and CAROL L. YOUNG,)

16 Plaintiffs,)

17 v.)

18 SAN DIEGO CITY EMPLOYEES')
19 RETIREMENT SYSTEM, and DOES 1-30,)

20 Defendants.)

CASE NO: 37-2011-00096237-CU-
PO-CTL

NOTICE OF MOTION AND
MOTION TO CERTIFY CLASS
ACTION
[C.C.P. §382]

Date: April 17, 2013
Time: 10:00 a.m.
Judge: Hon. Ronald S. Prager
Dept: C-71
Action Filed: August 12, 2011
Trial Date: Not yet set

21 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

22 NOTICE IS HEREBY GIVEN that on April 17, 2013, at 10:00 a.m., or as soon
23 thereafter as counsel may be heard in Department C-71 of the above-entitled Court, located at
24 330 West Broadway, San Diego, California, plaintiffs will move, pursuant to Code of Civil
25 Procedure section 382, and hereby do move, on behalf of themselves and all others similarly
26 situated, for an order:

- 27 1. Determining that a class action is proper.
- 28 2. Certifying a plaintiff class (the "*Baidya* class") defined as follows:
"All SDCERS general members or beneficiaries, employed or

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formerly employed by the City of San Diego, who have been
subjected to SDCERS' Board Rule 4.90, relating to Purchase of
Service Credit Corrections (and who are not plaintiffs in either
Abitria, et al. v. SDCERS, Case No. 2011-00096899, or *Abbe, et
al. v. SDCERS*, Case No. 2011-00102161).”

3. Appointing Ananta Baidya, Jon Coffman, Jennifer Smith and Carol L. Young as
class representatives for the *Baidya* class, and Michael A. Conger, as class counsel for the *Baidya*
class.

This motion is made on the ground that class action treatment is proper in this case.
This motion will be based upon this Notice of Motion and Motion to Certify Class Action, the
Memorandum of Points and Authorities in Support of Plaintiffs' Motion to Certify Class Action,
Declaration of Michael A. Conger in Support of Plaintiff's Motion to Certify Class Action and
Notice of Lodgment of Documents in Support of Plaintiffs' Motion to Certify Class Action,
served and filed herewith, the pleadings and records on file herein, and on such oral and
documentary evidence as may be presented to the court upon hearing of this motion.

Dated: January 24, 2013

LAW OFFICES OF MICHAEL A. CONGER

By: 
MICHAEL A. CONGER
Attorneys for Plaintiffs and all those
similarly situated