

**CLAIM AGAINST THE CAJON VALLEY
UNION SCHOOL DISTRICT (“CVUSD”)**
(Government Code Section 910, et seq.)

Claimant: John Frugoni, on behalf of himself and a class of others similarly situated

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**Name, address and phone
number of person to receive
notices and correspondence related
to this claim:**

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**Date and time when damage
or injury occurred:** Approximately August 2012.

Location of occurrence: The office of the California State Teachers’ Retirement System (CalSTRS).

Circumstances of occurrence: CalSTRS has notified claimant, and others similarly situated, that it intends to reduce claimant’s pension (and those of others similarly situated). CalSTRS contends that it only recently discovered that the Cajon Valley Union School District (CVUSD) “incorrectly reported (coded) [claimant’s] retirement incentive payment . . . as credible compensation to the Defined Benefit (DB) Program . . . [and] thus, it does not count toward the calculation of [claimant’s] DB retirement allowance.”

Although CalSTRS lacks legal justification for this position, and/or it was negligent, and/or breached its fiduciary duty, CVUSD was also negligent because, at a minimum:

- (1) it was negligent in its dealings and/or representations to claimant (and others similarly

situated) when it represented to claimant (and others similarly situated) that the compensation paid to claimant (and others similarly situated) would be included in claimant's pension (and the pensions of others similarly situated);

- (2) it was negligent in its dealings with CalSTRS in determining that the compensation paid to claimant (and others similarly situated) was properly to be included as compensation to be included in claimant's (and others similarly situated) pension;
- (3) alternatively, it was negligent in its dealings with CalSTRS for failing to determine that the compensation paid to claimant (and others similarly situated) was improperly to be included as compensation to be included in claimant's (and others similarly situated) pension before claimant (and others similarly situated) made indelible, permanent retirement decisions;
- (4) alternatively, it was negligent for failing to check with CalSTRS to determine whether the compensation paid to claimant (and others similarly situated) was properly to be included as compensation to be included in claimant's (and others similarly situated) pension before claimant (and others similarly situated) made indelible, permanent retirement decisions;

Description of loss, damage or injury:

Pursuant to Government Code Section 910, Subdivision (f) the amount exceeds \$10,000 and would not be a limited civil case.

Name(s) of CALSTRS' employee(s) causing injury, damage or loss, if known:

Unknown, but based on information and belief this would include primarily CalSTRS and CVUSD employees or agents.

Witnesses:

Unknown, but based on information and belief this would include primarily CalSTRS and CVUSD employees or agents.

**Amount claimed at present including
estimated amount of any prospective
loss:**

Pursuant to Government Code Section 910,
Subdivision (f) the amount exceeds \$10,000 and
would not be a limited civil case.

Dated: November 19, 2012

John Frugoni
John Frugoni