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8 Attorneys for Plaintiffs Patrick A. Lenhart and
9 Daniel Stuber, individually, and on behalf of all others
10 similarly situated

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

13 PATRICK A. LENHART and DANIEL	)	CASE NO: 37-2011-00096587-CU-BC-CTL
14 STUBER,)	
15 Plaintiffs,)	
16 v.	)	NOTICE OF MOTION AND MOTION
17 SAN DIEGO CITY EMPLOYEES'	)	TO CERTIFY CLASS ACTION
18 RETIREMENT SYSTEM, and DOES 1-30,	)	[C.C.P. §382]
19 Defendants.)	
	)	Date: April 17, 2013
	)	Time: 10:00 a.m.
	)	Judge: Hon. Ronald S. Prager
	)	Dept: C-71
	)	Action Filed: August 19, 2011
	)	Trial Date: Not yet set

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

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

- 26 1. Determining that a class action is proper.
- 27 2. Certifying a plaintiff class (the "*Lenhart* class") defined as follows:
28 "All SDCERS safety members or beneficiaries, employed or
formerly employed by the City of San Diego, who have been

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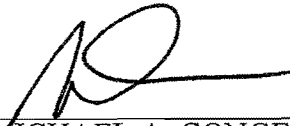
subjected to SDCERS' Board Rule 4.90, relating to Purchase of Service Credit Corrections (and who are not plaintiffs in either *Abitria, et al. v. SDCERS*, Case No. 2011-00096899, or *Abbe, et al. v. SDCERS*, Case No. 2011-00102161).”

3. Appointing Patrick A. Lenhart and Daniel Stuber as class representatives for the *Lenhart* class, and Michael A. Conger, as class counsel for the *Lenhart* 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