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MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY

<p>EDWARD D. WRZESIEN and LACEY VAN GRINSVEN, individually and on behalf of all similarly situated persons, and MEGAN ASHTON, individually,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>STATE OF MONTANA and MONTANA PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION,</p> <p>Defendants.</p>	<p>Cause No. DDV 2012-931 Hon. James P. Reynolds</p> <p>PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT</p>
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Plaintiffs, through counsel, hereby move the Court under Rule 56, Mont. R. Civ. P., for summary judgment in their favor. Specifically, Plaintiffs ask the Court to rule that the Plan Choice Rate that applies to participants in the Montana Public Employees Retirement System's Defined Contribution Plan and the Montana University System's Optional Retirement Program violate Plaintiffs' respective

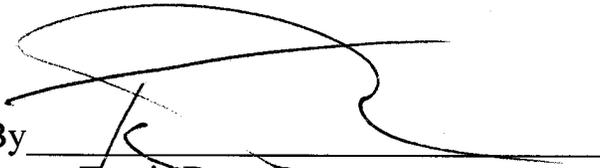
rights to equal protection and due process under the Montana Constitution.

Plaintiffs further ask the Court to rule that the the additional 1% contribution set forth in Mont. Code Ann. §§19-3-316(1), (3) and allocated under Mont. Code Ann. § 19-3-2117(2)(c) violates Plaintiffs' respective rights to equal protection and due process under the Montana Constitution. The Plan Choice Rate and the additional 1% contribution are unreasonable and arbitrary and are not rationally related to keeping the Defined Benefit Plan actuarially sound. Accordingly, Plaintiffs respectfully ask the Court to enter summary judgment their favor.

DATED this 23rd day of May, 2014.

KALKSTEIN, JOHNSON & DYE, P.C.

By



Travis Dye
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2014, a true and correct copy of the foregoing was served upon the following by the means indicated:

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