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10 MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTY

11 ASSOCIATION OF MONTANA RETIRED
12 PUBLIC EMPLOYEES, RUSSELL WRIGG,
13 MARLYS HURLBERT, CAROLE CAREY, I.
EDWARD SONDENO,

14 Plaintiffs,

15 v.

16 STATE OF MONTANA, MONTANA PUBLIC
17 EMPLOYEE RETIREMENT
18 ADMINISTRATION, PUBLIC EMPLOYEE
RETIREMENT BOARD, GOVERNOR
STEVE BULLOCK, in his official capacity,

19 Defendants.
20

Case No. DDV-2013-788

**PLAINTIFFS' LIST OF
LAY WITNESSES AND EXHIBITS**

21 COMES NOW, Plaintiffs Association of Montana Retired Public Employees, Russell
22 Wrigg, Marlys Hurlbert, Carole Carey, and I. Edward Sodeno (hereinafter "Plaintiffs"), by and
23 through their counsel, Leo Berry, Chad E. Adams, and Jessie L. Luther of Browning, Kaleczyc,
24 Berry & Hoven, P.C., and hereby submits their Lay Witness and Exhibit List.

WITNESSES

26 Plaintiffs may call the following witnesses at the time of trial:

27 1. Russell Wrigg;

- 1 2. Marlys Hurlbert;
- 2 3. Carole Carey;
- 3 4. I. Edward Sondeno;
- 4 5. Michael O'Connor;
- 5 6. Terry Johnson;
- 6 7. Roxanne Minnehan;
- 7 8. Patricia Davis;
- 8 9. June Dosier;
- 9 10. Barbara Quinn;
- 10 11. Governor Steve Bullock;
- 11 12. Dan Villa;
- 12 13. Tim Burton;
- 13 14. Shawn Graham;
- 14 15. Senator Jon Sesso;
- 15 16. Susan Fox;
- 16 17. Sherri Scurr;
- 17 18. Dave Bohyer;
- 18 19. Any witness listed, identified or called by Defendants;
- 19 20. Any witness identified in on-going discovery;
- 20 21. Any witness necessary for rebuttal; and
- 21 22. Any witness necessary for impeachment.

22 **EXHIBITS**

23 Plaintiffs may utilize or introduce the following exhibits:

- 24 1. HB 454 as originally introduced;
- 25 2. HB 454 as Enrolled and signed by the Governor;
- 26 3. Any version of any fiscal note or amended fiscal note prepared for HB 454;
- 27 4. Actuarial valuation of the Public Employee Retirement System ("PERS") dated

- 1 June 30, 2012;
- 2 5. Actuarial valuation of PERS dated June 30, 2013;
- 3 6. Actuarial valuation of PERS dated June 30, 2014;
- 4 7. Affidavit of Patricia Davis, dated Oct. 18, 2013;
- 5 8. Affidavit of Michael O'Connor, dated Oct. 30, 2013;
- 6 9. Affidavit of June Dosier, dated Oct. 18, 2013;
- 7 10. Affidavit of Carol Carey, dated Oct. 10, 2013;
- 8 11. Affidavit of I. Edward Sondeno, dated Oct. 28, 2013;
- 9 12. Affidavit of Marlys Hurlbert, dated Oct. 21, 2013;
- 10 13. Affidavit of Terry Johnson, dated Oct. 30, 2013;
- 11 14. HB 170, 1997 Mont. Laws Ch. 287;
- 12 15. HB 294, 2001 Mont. Laws Ch. 149;
- 13 16. HB 131, 2007 Mont. Laws Ch. 371;
- 14 17. Amendment HB045420.asc offered in the Senate Finance and Claims Committee,
- 15 63d Leg., 1st Reg. Sess. (April 16, 2013);
- 16 18. Cheiron PowerPoint presentation, *Public Employees' Retirement Board*, Actuarial
- 17 Valuations as of June 30, 2013, p. 16 (MPERA Oct. 10, 2013);
- 18 19. Letter from Governor Bullock to Russell Wrigg, dated May 14, 2013;
- 19 20. Memorandum and attachments from Susan Fox to Leo Berry regarding
- 20 information request on HB 454, dated May 30, 2013;
- 21 21. Any documents responsive to Request for Production Nos. 15 and 16 in
- 22 Defendants Responses to Plaintiffs' First Combined Discovery Requests,
- 23 specifically all handbooks, training materials, documents, videos, and
- 24 presentations where Defendants told employees they were guaranteed a 3%
- 25 increase in their retirement benefit each January after the first year of retirement;
- 26 22. List of PERS members who retired after July 1, 2001, produced by Defendants in
- 27 response to Interrogatory No. 11;

- 1 23. List of PERS members that are eligible to purpose "1 for 5" service credit
2 pursuant to Mont. Code Ann. § 19-3-513, produced by Defendants in response to
3 Interrogatory No. 13;
4 24. Plaintiffs' First Combined Discovery Requests to Defendants;
5 25. Defendants' responses to first discovery requests and any supplement thereto;
6 26. Any document produced by Defendant(s) in response to discovery;
7 27. Any exhibit listed or utilized by Defendants;
8 28. Any document prepared for, created by, or reviewed by any expert witness
9 identified in this case;
10 29. Any exhibit identified in on-going discovery;
11 30. Any exhibit needed for rebuttal; and
12 31. Any exhibit needed for impeachment;

13 Plaintiffs also reserve the right to amend this list of lay witnesses and exhibits prior to
14 trial. Discovery in this matter is ongoing. Additionally, because Defendants' discovery
15 responses are incomplete, including but not limited to the fact that Defendants have apparently
16 only produced documents from MPERA and no email correspondence or other documents from
17 the other Defendants and Defendants production of email correspondence appears incomplete,
18 Plaintiffs reserve the right to supplement this disclosure with any exhibits or witnesses
19 subsequently identified or produced during discovery.

20 DATED this 30th day of June, 2014.

21 BROWNING, KALECZYC, BERRY & HOVEN, P.C.

22
23 By 

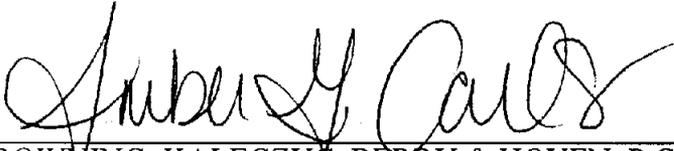
24 Leo Berry
25 Chad E. Adams
26 Jessie L. Luther

27 Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June 2014 a true copy of the foregoing was mailed by first-class mail, postage prepaid, addressed as follows:

Timothy C. Fox
Michael G. Black
J. Stuart Segrest
Montana Attorney General
P.O. Box 201401
Helena, MT 59620-1401



BROWNING, KALECZYC, BERRY & HOVEN, P.C.

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