

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

In the Matter of the PERA Salary
Determinations Affecting Retired and
Active Employees of the City of Duluth

**NOTICE OF MOTION AND MOTION
TO COMPEL DISCOVERY AND
EXTEND DISCOVERY DEADLINES**

Allen Johnson, et al., Petitioners

OAH Docket No. 4-3600-2080902

TO: Jon K. Murphy, Attorney for PERA; Thomas F. Andrew, Attorney for Dean Cook, David Hanson, Jeffrey Johnson, Matthew Ketola, Richard Mattson, Darrell Youngblom and Lee Youngblom; John Anderson, Robert Brasel, John Christensen, Charles Erickson, John Fairbanks, John Frestedt, Gerald Geisert, Jeffery Grams, John Hall, Donald Hoffman, James Irving, Larry Jeneson, Jeffrey Johnson, Dennis Johnson, Loren Johnson, Allen Johnson, Richard Kienzle, Joel Lane, Warren Lehet, Peter Lind, Terry Lund, Carolyn Luxon, Chris Martinson, Loren McLeod, Robert Mills, Wallace Newquist, Robert Opheim, James Orleskie, Mitchell Peterson, Thomas Pirkola, John Ray, Leonard Robinson, James Rose, Ronald Schlichting, Erik Simonson, Jay Sparks, Loudella Swanfeld, James Sweeney, William Todorovich, Kyle Tuominen, Roger Waller, James Webb, Mark Wick, James Wright, Arthur Zylka, Helene Abbott Bryan Brown, Thomas Ehle, Lawrence Elwell, Bruce Esse, Cheryl Jonason, Richard LeDoux, William Lindgren, Richard Mattson, Alva Rankin, Pamela Wutz

PLEASE TAKE NOTICE that the Petitioners Paul Ostman, Terry Purcell, Mark Behning, Doug Michog, John Edwards, Doug Belanger, Dave Salvesson, Anne Peterson, L.J. Harvey, Jim Charbonneau, William L. Johnson and Dave Wedin (hereinafter "Movants") hereby move the Honorable Bruce H. Johnson, Assistant Chief Administrative Law Judge, to make an Order as follows pursuant to Minnesota Administrative Rules:

1. For an Order compelling the City of Duluth to respond to the Subpoena issued by Raymond R. Krause, Chief Administrative Law Judge, on October 19, 2009, and served upon the City of Duluth on October 21, 2009; and
2. For an Order extending the deadlines set forth in the Scheduling Order in the above

matter as follows:

- a. All discovery, including responses or objections to timely requests for written discovery and depositions, must be completed on or before February 1, 2010;
 - b. Any dispositive motions, including motions for summary disposition, must be filed on or before March 1, 2010, with any responses thereto filed on or before March 15, 2010; and
3. For attorney's fees for the bringing of this Motion.

Movants have filed in support of said Motion the following documents:

1. Affidavit of Elizabeth A. Storaasli;
2. Memorandum in Support of Motion to Compel Discovery;
3. Addendum to Petitioners' Memorandum in Support of Petitioners' Motion to Compel Discovery;
4. Movants' proposed Order on Motion to Compel Discovery; and
5. Affidavit of Service.

All of these documents have been posted on web page:

<http://www.oah.state.mn.us/cases/360020809-PERA-Duluth/index.html> for review by all parties.

All parties are hereby advised that should you wish to contest this Motion you must file a written response with the above-named Judge and serve copies on all parties within fourteen (14) working days after receipt of this Motion. The above-listed parties who have brought this Motion do not desire an oral hearing on their Motion and any other party desiring an oral hearing on this Motion must make a request for an oral hearing at the time of the submission of their response to this Motion.

Dated: 11-25-09

Respectfully submitted,



Elizabeth A. Storaasli, Atty. Reg. No. 106070
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& POMMERVILLE, LTD.

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