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Department Retirement Plan of City of San Jose

7 *Exempt from filing fees - Government Code*
8 *Section 6103*

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SANTA CLARA

12
13 SAN JOSE POLICE OFFICERS'
ASSOCIATION,

14 Plaintiff,

15 vs.

16 CITY OF SAN JOSE, BOARD OF
17 ADMINISTRATION FOR POLICE AND FIRE
DEPARTMENT RETIREMENT PLAN OF
18 CITY OF SAN JOSE, and DOES 1-10, inclusive,

19 Defendants.

No.: 1-12-CV-225926

**BOARD OF ADMINISTRATION'S
ANSWER TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Compl. Filed: July 5, 2012

20
21 Defendant Board of Administration for Police and Fire Department Retirement Plan of City
22 of San Jose ("Board"), hereby responds to Plaintiffs' First Amended Complaint for Declaratory and
23 Injunctive Relief, filed July 5, 2012 ("Complaint") as follows:

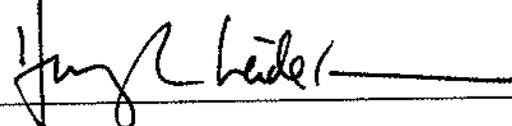
24 The unverified Complaint makes no allegation of wrongdoing against, and does not seek any
25 relief from, the Board. To the contrary, the Complaint expressly states that "the Board is named
26 herein solely as a necessary and indispensable party because of its role in administering the benefits
27 at issue in this action" and that "[n]o damages, writ, injunctive or other relief, including attorneys'
28 fees or costs, is presently sought against the Board in this action." To the extent any allegations in

1 the Complaint criticize any actions or inactions by the Board, the Board generally denies such
2 allegations, pursuant to California Code of Civil Procedures 431.30(d), and the Board denies that it
3 is liable to any party, for any amount, for any reason.

4 WHEREFORE, the Board prays for judgment to be entered in the Board's favor according to
5 proof, and for such costs and fees as the Court may find are just and proper.

6 DATED: August 6, 2012

7 REED SMITH LLP

8
9 By:  _____

10 Harvey L. Leiderman

11 Attorneys for Defendant Board of Administration
12 for Police and Fire Department Retirement Plan of
13 the City of San Jose
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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San Francisco, CA 94105-3659. On August 6, 2012, I served the following document(s) by the method indicated below:

**BOARD OF ADMINISTRATION'S ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 6, 2012, at San Francisco, California.

Ann H. Devor

Received
AUG 08 2012
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K. Thomas / J. Fuly

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