Pension Litigation Snapshot

TRS

Byrne v. State of Montana, ADV 2013-738
Judge Menahan, First Judicial District

Plaintiffs:
Six teachers (all but one retired)
MEA-MFT

Plaintiffs' Attorneys:
Karl Englund, Missoula
Jonathon McDonald, Helena
Jay Sushelsky from AARP Foundation in D.C.

Counts: Complaint filed October 11, 2013
1. Reduction of GABA is an unconstitutional impairment of contract under MT Const.
2. Reduction of GABA constitutes an unconstitutional taking of property under MT Const.

Remedies Sought:
1. Declaratory Judgment that Section 11 of HB 377 is an illegal impairment and constitutes a taking
2. Order requiring State to pay the GABA to all Tier One TRS members as required prior to the enactment of HB 377
3. Attorneys Fees under Private Attorney General Doctrine

Preliminary Injunction (PI): PI to preserve the status quo of GABA at 1.5% (instead of .5%) during the lawsuit.

Hearing on PI: December 4 at 10 a.m.

Prepared for LFC December 2013 Meeting

PERS

Ass'n of Mont. Retired Public Employees v. State of Montana, DDV 2013-788
Judge Reynolds, First Judicial District

Plaintiffs:
Four PERS retirees
Association of MT Retired Employees (AMRPE)

Plaintiffs' Attorneys:
Leo Berry, Chad Adams, and Jessie Luther (BKBH)

Counts: Complaint filed October 30, 2013
1. Impairment of contract in violation of state and federal constitutions
2. Reduction of GABA constitutes a taking in violation of state and federal constitutions
3. Takings and promissory estoppel with respect to Service Purchase Credit (Plaintiff Sondeno)

Remedies Sought:
1. Declaratory Judgment that Section 5 of HB 454 is an illegal impairment and constitutes a taking
2. Permanent Injunction enjoining Ds from infringing on the 3% GABA
3. Attorneys Fees under Private Attorney General Doctrine and 42 USC Section 1988

Preliminary Injunction (PI): PI to preserve the status quo of GABA at 3% or 1.5% (instead of .9%) during the lawsuit.

Hearing on PI: December 12 at 2

Prepared by: Julie Johnson, LSD 12/2/2013