

Hello All: As you know the Texas Supreme Court heard oral arguments on Tuesday, September 17<sup>th</sup> to answer the two questions certified by the Fifth Circuit Court of Appeals in New Orleans. Anyone interested in watching the proceedings can do so by going to:

<http://www.texasbarcle.com/CLE/TSCPlayVideo.asp?sCaseNo=19-0234>.

You can also find all the written Briefs on the Merits and Amicus Briefs under the Legal Documents tab of our website. The earlier filed briefs will be under the Archive tab.

I had hopes of getting a read on which way the justices might rule based upon their questioning, but I must say there were pointed questions asked of both sides. If you read our briefs, you will see there is sufficient evidence to support our belief that our pensions have been "impaired." We should have a ruling sometime after the first of the year.

Thursday, September 19<sup>th</sup>, Dale Erves and I returned to Austin for our hearing on the Plea to Jurisdiction and Motion for Protective Order filed by the Texas Attorney General's Office. As you know the AG's Office seeks to prevent us from deposing the Chief Executive of the Texas Pension Review Board. Upon our arrival, we learned that only the Motion for the Protective Order would be heard today. This hearing was before Judge Amy Clark Meachum in the 201<sup>st</sup> Civil District Court. Our attorney, Mr. George Vie III, did a masterful job of presenting our arguments and responding to the judges' questions.

The Attorney General's Office was represented by Ms. Cynthia Morales. Her argument was basically that we are suing the wrong entity because the Review Board does not administer the Pension Plan or have any enforcement responsibility. During Ms. Morales' presentation, the judge posed the question, if we just take your word for it and assume you are correct, what it would hurt to allow them to take a deposition to confirm? Ms. Morales' reply was that our request for documents were too broad and it would be too time consuming.

We requested the Court order that the deposition take place in the next 30 days, and the AG objected that the Review Board would need more time.

The judge is taking some time to review the issue before she issues her ruling. I will let you know when we receive a response.