

## **Retirement Newsletter Number 6**

**October 16, 2002**

**To: Oklahoma State University Faculty and Staff**

**From: Lionel M. Raff,**

**Regents Professor**

**Plaintiff Class Action Lawsuit**

**Member, Faculty Council Retirement and Fringe Benefits  
Committee**

The purpose of this and other newsletters to follow is to keep all of you informed about current developments in our class action lawsuit aimed at recovering our retirement benefits confiscated by the Campbell administration and retained by the Halligan administration. The first newsletter was mailed in late June, the second and third in July, the fourth in late August, and the fifth September 18. In the interests of brevity, I will not summarize the contents of these five newsletters here. If you wish to receive a copy of any of them, send an email message to either Lionel Raff(lionelraff@hotmail.com) or Ed Lawry (elawry@okstate.edu), and we will transmit them to you via return email.

The fifth newsletter related the remarks of Professor Edgley to the Faculty Council informing the councilors of the impending action to certify the class for our retirement lawsuit. His remarks were: "Our attorneys have placed on the docket a petition to have the class certified in the lawsuit. The hearing is scheduled for Oct 3 in Judge Coat's chambers in Oklahoma City. This is an important step, because once that happens, should we later win a court judgment, it will be easy to apply it to others who might also have suffered damages as a result of the 1993 decision." In late September, the Attorney General's office requested a continuance for an additional 30 days to provide them time to prepare a response to our petition. The Plaintiffs, Professors Edgley, Rockley, and Raff, and our legal counsel, Mr. Larry Derryberry, agreed that this request was very reasonable, and we raised no objection. As a result, the Court granted the Attorney General's request and action on our petition for class certification has been postponed.

Judge Morris and his assistant, Ms. Kristin Oliver, who is a graduate of Harvard Law School, continue to work on their assessment of the damages caused by the unilateral change to the 7-11 retirement program in 1993, which was done without consent of the Faculty or Staff, and the change of the OTRS retirement rules in 1995-97, again without giving vested participants the opportunity to be grandfathered under the system in operation prior to those changes. Work on this assessment began around the first of August so that it has now been ongoing for about 2.5 months. I recently sent Ms. Oliver an email asking if there was any information concerning when Judge Morris' report might be submitted to the OSU Regents. Her response follows:

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Dr. Raff:

I have received your email of October 10, 2002 and have conferred with Judge Morris.

We are still in the process of interviewing various people who have knowledge concerning this matter and we are not able to say when Judge Morris' report will be rendered.

We have been told repeatedly by those whom we have interviewed that this is an inordinately complex matter. It has taken those who are most intimately involved in it a substantial amount of time to get their arms around the facts and circumstances relating to the changes which were made in 1993 and the subsequent changes in the law relating to the OTRS.

We are not in a position at this juncture to give you a more specific answer.

Sincerely,  
Kristin Oliver

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All we can do at this point is wait as the OSU Regents are doing.

I will keep you informed of events as they transpire.