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7 Board of Administration of the Federated City  
Employees' Retirement System

8 *Exempt from filing fees – Government Code*  
9 *Section 6103*

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

12  
13 SAN JOSE RETIRED EMPLOYEES  
ASSOCIATION, HOWARD E. FLEMING,  
14 DONALD S. MACRAE, FRANCES J. OLSON,  
GARY J. REICHERT and  
15 ROSALINDA NAVARRO

16 Plaintiffs/Petitioners,

17 vs.

18 CITY OF SAN JOSE; DOES 1 through 50,  
inclusive,

19 Defendants/Respondent.  
20

21 BOARD OF ADMINISTRATION FOR THE  
FEDERATED CITY EMPLOYEES  
22 RETIREMENT SYSTEM,

23 Real Party in Interest.  
24

Case No. 1-12-CV-233660

**BOARD OF ADMINISTRATION'S  
ANSWER TO COMPLAINT FOR  
INJUNCTION AND DECLARATORY  
RELIEF AND VERIFIED PETITION FOR  
WRIT OF MANDATE (C.C.P. § 1085)**

Compl. Filed: October 5, 2012

25 The Board of Administration of the Federated City Employees' Retirement System  
26 ("Board"), named as a "Real Party in Interest, hereby responds to Plaintiffs/Petitioners' Complaint  
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REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

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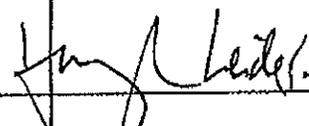
for Injunction and Declaratory Relief and Verified Petition for Writ of Mandate ("Complaint") as follows:

The Complaint, which names the Board as a "Real Party in Interest," makes no allegation of wrongdoing against, and seeks no relief from, the Board. The Complaint states no case or controversy with the Board. To the extent any allegations in the Complaint criticize any actions or inactions by the Board, the Board denies such allegations, and the Board denies that it is liable to any party, for any amount, for any reason.

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

DATED: December 18, 2012

REED SMITH LLP

By:  \_\_\_\_\_

Harvey L. Leiderman

Attorneys for Real Party in Interest  
Board of Administration of the Federated City  
Employees' Retirement System

1 **PROOF OF SERVICE**

2 *San Jose Retired Employees Association, et al. v. City of San Jose, et al.*  
3 Santa Clara Superior Court Case No. 1-12-CV-233660

4 I am a resident of the State of California, over the age of eighteen years, and not a party to  
5 the within action. My business address is REED SMITH LLP, 101 Second Street, Suite 1800, San  
6 Francisco, CA 94105-3659. On December 18, 2012, I served the following document(s) by the  
7 method indicated below:

8 **BOARD OF ADMINISTRATION'S ANSWER TO COMPLAINT FOR INJUNCTION**  
9 **AND DECLARATORY RELIEF AND VERIFIED PETITION FOR WRIT OF**  
10 **MANDATE (CCP § 1085)**

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

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17 al.  
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24 I declare under penalty of perjury under the laws of the State of California that the  
25 above is true and correct. Executed on December 18, 2012, at San Francisco, California.

27 \_\_\_\_\_  
28 Ann H. Devor