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August 13, 2002

(Faxed and Regular Mail)

Wendy Jamison, Secretary
Board of Trustees
Public Employees Retirement System
State of New Jersey
Department of Treasury
Division of Pensions and Benefits
P.O. Box 295
Trenton, NJ 08625-0295

Re: Location: 50 West Street, Trenton, New Jersey 08625-0295
G. Philip Lewis v. Board of Trustees, Public Employees Retirement
System
Docket No.: A-5660-00T3

Dear Ms. Jamison:

It was a pleasure speaking with you on Monday, August 12, 2002. I appreciate your comments regarding PERS postponement of our August 21, 2002 appearance scheduled before PERS to review the Appellate Division's decision of June 24, 2002. However, in reviewing my notes taken from our telephone conversation on August 12, 2002, and my conversation with Deputy Attorney General, Deborah A. Allen on that same day, my client and I object to PERS scheduling a postponement. My client and I want to attend and hear PERS' position specific to the issue asked by the Appellate Division. There are no new arguments or issues in my client's appeal.

You mentioned that PERS Board Members wanted additional submissions by August 30, 2002 for review as to arguments for a Trial de novo, with the Attorney General's office responding to said submissions by September 10, 2002 for a September 18, 2002 PERS meeting.

The aforementioned concerns me in that it appears the Attorney General's office is seeking a Trial de novo or a new trial or retrial in which the whole case would be

retried as if no trial had been had in the first instance. It appears the Attorney General's office is trying for "a second bite at the apple". By conducting a Trial de novo, based on new submissions presented to PERS, I envision the Attorney General's Office reconstructing the entire case to their advantage, cause another appeal and thereby create further delays in any relief my client may be entitled to receiving.

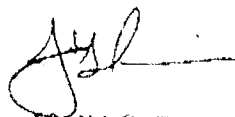
Furthermore, I took the opportunity to review the Appellate Division's decision of June 24, 2002 and the Appellate Division did not reverse and remand this matter for a Trial de novo. The Appellate Division reversed and remanded this matter for further proceedings by saying the "Board itself should explain the rationale for concluding (if it does) that subsection (h) carves out an absolute exception that would deprive a JTPA employee, who is also a veteran "in continuous service", of membership in the retirement system the right to purchase service credit". We have not consented to a Trial de novo, in fact, we believe the PERS should decide the issue as ordered by the Appellate Division, on June 24, 2002.

The Appellate Division did not direct this matter be listed for a Trial de novo and my client and myself object to providing the Attorney General's office the opportunity to correct any oversights that may have occurred in their original pleadings. This matter went before the Appellate Division, was heard, reversed and remanded with specificity.

Moreover, my client has a family trip scheduled for California and is unavailable on Wednesday, September 18, 2002. As such, we are asking that this matter be re-listed for Wednesday, August 21, 2002 so a determination can be made by the PERS Board as to the specific issue ordered by our Appellate Division.

Many thanks for your time and consideration. I look forward to hearing from you shortly.

Very truly yours,



JOHN G. DeSIMONE, ESQUIRE

JGD:rn

cc: Suzanne Culliton, Esquire

Patrick DeAlmeida, Esquire, Deputy Attorney General of Counsel

Deborah A. Allen, Deputy Attorney General

G. Philip Lewis, Esquire