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4 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
5 FOR THE COUNTY OF JACKSON

6 **JOSEPH BOVA,**

Case No. 08-1663-E7

7 Plaintiff,

DECLARATION OF JOSEPH
BOVA IN SUPPORT OF
MOTION FOR CONTEMPT

8 vs.

9 **CITY OF MEDFORD**, an incorporated
Subdivision of the State of Oregon, and
10 **MICHAEL DYAL**, City Manager
of the City of Medford, as an Individual, and
11 in his official capacity,

12 Defendants.

13 I, **JOSEPH BOVA**, declare under penalty of perjury:

14 1. I have personal knowledge of the facts set forth below.

15
16 2. I was formerly employed as a management level employee with the City of
17 Medford. While I was employed I received group health insurance coverage for myself through
18 the Oregon Teamsters Employee's Trust ("OTET").

19 3. I am also the representative of the class in this case.

20 4. I am retired from service and receive retirement benefits through the Public
21 Employees Retirement System.

22 5. My employment with the City of Medford ended on June 30, 2010.

23 6. Attached as Exhibit A is a copy of a letter to Mr. Franz and Mr. HuttI making a
24 demand that the City issue a notice to me of my right to elect continuation coverage of group
25 health insurance under ORS 243.303. It is my understanding that my attorney sent this to the
26

PAGE 1 - DECLARATION OF JOSEPH BOVA IN SUPPORT OF PLAINTIFFS' MOTION FOR
CONTEMPT

STEPHEN L. BRISCHETTO
ATTORNEY AT LAW
621 S.W. Morrison St., Suite 1025

Decl.Bova.Mot.Contempt.doc

EXHIBIT 14
PAGE 1 OF 5

1 City's representatives on my behalf.

2 7. I have not received a response to my attorney's letter to the City's representatives.

3 8. I have not received any notice from the City of Medford advising that I could
4 continue my group health insurance coverage through my eligibility for Medicare under ORS
5 243.303(2).

6 **I hereby declare that the above statement is true to the best of my knowledge and**
7 **belief, and that I understand it is made for use as evidence in court and is subject to penalty**
8 **for perjury.**

9 DATED this 3RD day of AUGUST, 2010.

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12 _____
13 JOSEPH BOVA
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STEPHEN L. BRISCHETTO
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LICENSED IN INDIANA,
OREGON & WASHINGTON

TEL: (503) 223-5814
FAX: (503) 228-1317

June 30, 2010

VIA E-MAIL

CERTIFIED MAIL – RETURN RECEIPT REQUESTED (To Mr. HuttI)
7008 0150 0003 7875 8447

John R. HuttI
City Attorney's Office
411 W. 8th St., Rm 332
Medford OR 97501

Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
PO BOX 62
Springfield OR 97477

Re: Bova v City of Medford and Michael Dyal
Jackson County Circuit Court Case No. 08-1663-E7

Dear John & Robert:

Please be advised that Joseph Bova's last day of work is June 30, 2010. As a member of the class in *Bova v City of Medford and Michael Dyal*, Mr. Bova is entitled to notice of his right to elect continued coverage under ORS 243.303 and an opportunity to continue his group health insurance coverage through age 65. I am writing to notify you that Mr. Bova elects to continue his group health insurance coverage through ORS 243.303.

Demand is hereby made that you inform him of his right to elect continued coverage and you inform him of the terms and conditions of the City of Medford's program that enables retirees to continue group coverage through age 65.

At present, Mr. Bova is ensured through the Oregon Teamsters Employers Trust through July 31, 2010 at the expense of the City of Medford. If you fail to provide Mr. Bova with notice of his right to continue coverage under ORS 243.303, within 10 days of today's date, we will seek a temporary restraining order and a preliminary injunction requiring the City to continue paying for Mr. Bova's coverage through OTET until such time as the City makes available to Mr. Bova his option to elect continued coverage under ORS 243.303. Finally, this letter provides notice to the City of Medford that Mr. Bova intends to pursue a tort claim against the City and its officers and employees for the violation of Mr. Bova's rights under ORS 243.303. You may forward correspondence concerning this claim to Mr. Bova at the address on this letterhead.

EXHIBIT 14
PAGE 3 OF 5

EXHIBIT A
PAGE 1 OF 3

John R. Hutt
Robert E. Franz Jr.
June 30, 2010
Page 2

Thank you for your assistance in this regard.

Very truly yours,

Stephen L. Brischetto

SLB/lcg

cc: George Fisher
Joseph Bova

EXHIBIT 14
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EXHIBIT A
PAGE 2 OF 3

7008 0150 0003 7875 8447

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided.)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$0.44	Bova Jackson Postmark Here 6/30/10
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$5.54	

Sent To John R. Hull
 Street, Apt. No., or PO Box No. 411 W. 8th St Rm 332
 City, State, ZIP+4 Medford OR 97501

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
John R. Hull
City Attorney's Office
411 W. 8th St, # 332
Medford OR 97501

COMPLETE THIS SECTION ON DELIVERY

A. Signature Eric Thompson Agent Addressee

B. Received by (Printed Name) Eric Thompson

C. Date of Delivery 6-2-2010

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7008 0150 0003 7875 8447

PS Form 3811, February 2004 Domestic Return Receipt Bova 102895-02-M-1540

EXHIBIT 14
 PAGE 5 OF 5

EXHIBIT A
 PAGE 3 OF 3

CERTIFICATE OF SERVICE

I hereby certify that I served the **Declaration of Joseph Bova in Support of Motion**

for Contempt on:

Robert E. Franz, Jr.
LAW OFFICE OF ROBERT E. FRANZ, JR.
PO BOX 62
Springfield OR 97477

Of Attorneys for Defendants

HAND DELIVERY
 U.S. MAIL
 FAX
 E-MAIL
 ECF

George P. Fisher
Attorney at Law
3635 S.W. Dosch Road
Portland OR 97239

Of Attorneys for Plaintiff

HAND DELIVERY
 U.S. MAIL
 FAX
 E-MAIL
 ECF

Lisa M. Umscheid
Ball Janik
101 SW Main St, Ste 1100
Portland OR 97204

HAND DELIVERY
 U.S. MAIL
 FAX
 E-MAIL
 ECF

Of Attorneys for Interested Persons and Group of Respondent Class Members

by delivering this date to said attorney(s) a true copy thereof as stated above. I further certify that said documents were contained in sealed envelopes, addressed as above stated, to the last-

known addresses of said attorney(s). Documents delivered by mail were deposited in the post office at Portland, Oregon with postage thereon prepaid.

DATED: August 9, 2010.



Stephen L. Brischetto, OSB 78156
Attorney for Plaintiff
(503) 223-5814