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SUPREME COURT  
STATE OF WASHINGTON  
Oct 18, 2013, 4:29 pm  
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No. 87424-7

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SUPREME COURT  
OF THE STATE OF WASHINGTON

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WASHINGTON EDUCATION ASSOCIATION; et al, and all others  
similarly situated,

Respondents,

v.

WASHINGTON DEPARTMENT OF RETIREMENT SYSTEMS  
and STATE OF WASHINGTON,

Appellants.

CHERYL COSTELLO, STEPHEN GORE, RICHARD MORVAN,  
and JERALD NEWELL, on behalf of themselves and a class of persons  
similarly situated,

Respondents,

v.

WASHINGTON DEPARTMENT OF RETIREMENT SYSTEMS  
and STATE OF WASHINGTON,

Appellants.

WASHINGTON FEDERATION OF STATE EMPLOYEES,  
PAULETTE THOMPSON and DANA HUFFORD,

Respondents,

v.

WASHINGTON DEPARTMENT OF RETIREMENT SYSTEMS and  
STATE OF WASHINGTON,

Appellants.

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**STATEMENT OF ADDITIONAL AUTHORITIES**

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 ORIGINAL

STATEMENT OF ADDITIONAL AUTHORITIES

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Pursuant to RAP 10.8, Respondents submit the following Additional Authorities.

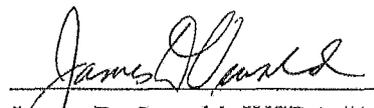
1. Regarding recent adoption of *Bakenhus v. City of Seattle*, 48 Wn.2d 695 (1956) by other states, and reasons why retirement benefits are treated as vested contractual rights accruing upon acceptance of employment:

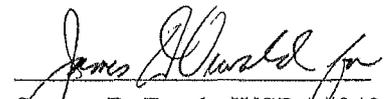
*Cloutier v. State*, 163 N.H. 445, 453-54, 456, 42 A.3d 816 (2013)

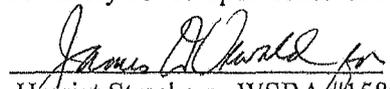
2. Regarding whether the legislature knew “how to use plain English” (*Carlstrom v. State*, 103 Wn.2d 391, 398 (1985)) to expressly reserve the right to eliminate future gain sharing distributions to persons who had previously been granted a contractual right to gain sharing distributions.

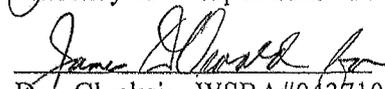
2006 c 345 § 3 (Included in Historical Notes to RCW 41.26.510), which states: “The legislature reserves the right to amend or repeal this act in the future and no member or beneficiary has a contractual right to receive any distribution not granted prior to that time.”

RESPECTFULLY SUBMITTED this 18th day of October, 2013, at  
Seattle, Washington.

  
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## CERTIFICATE OF SERVICE

I certify under penalty of perjury in accordance with the laws of the State of Washington that the original of the preceding Statement of Additional Authorities was filed by electronic mail with the Washington State Supreme Court. I also certify that a copy of the same was served via electronic and United States First Class mail to the following:

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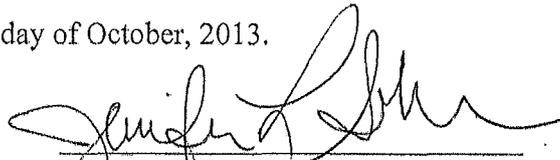
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DATED this 18<sup>th</sup> day of October, 2013.



\_\_\_\_\_  
Jennifer L. Schnarr  
Paralegal

## OFFICE RECEPTIONIST, CLERK

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**Subject:** RE: WEA, et al. v. WA DRS (87424-7)

Rec'd 10-18-13

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**From:** Jennifer Schnarr [<mailto:schnarr@workerlaw.com>]  
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**Subject:** WEA, et al. v. WA DRS (87424-7)

Supreme Court Clerk –

Please find attached the Respondent's Statement of Additional Authorities in *WEA, et al. v. WA State DRS*, Supreme Court Case No. 87427-7. I am the paralegal for the filing attorney, James Oswald, whose information is as follows:

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Should you have any trouble opening or viewing the attachment, please notify me immediately. Thank you.

Sincerely,

Jennifer L. Schnarr

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