

CalPERS Legal Office  
Monthly New Case Report  
November 16, 2022

### NEW CASE REPORT

<b>Name of Case (full name):</b>	<b>Michael McLaughlin v. California Public Employees' Retirement System of California, Cosumnes Community Services District, and Does 1 through 50, inclusive</b>
Date Received By Legal Office:	September 19, 2022
Attorney Contact:	Preet Kaur
Program Contact(s):	EAMD
Plaintiff:	Michael McLaughlin
Defendants:	California Public Employees' Retirement System; Cosumnes Community Services District
Other Parties:	None

<p>Issues/Status:</p>	<p>Plaintiff Michael McLaughlin (McLaughlin) was a local firefighter subject to California Code of Regulations, Title 2, section 571. A hearing before the Office of Administrative Hearings was completed and a Proposed Decision issued affirming CalPERS' determination that McLaughlin's holiday pay is excluded from his final compensation as stand-by pay. The Board adopted the Proposed Decision on March 16, 2022, and denied McLaughlin's Petition for Reconsideration on April 19, 2022.</p> <p>Thereafter, McLaughlin filed a Complaint against his employer, Cosumnes Community Services District, and CalPERS. The Complaint does not request a review of the administrative decision; rather, it solely requests monetary damages.</p> <p>As to CalPERS, McLaughlin raises two causes of action, breach of express contract and breach of implied duty of good faith and fair dealing. McLaughlin is claiming CalPERS breached a contract with him by issuing the Decision.</p> <p>CalPERS filed a Demurrer on October 19, 2022, on the following grounds: failure to exhaust Government Claims Act; failure to state terms of express contract; implied contract not allowed as a matter of law; and failure to file a Government Code section 1094.5 writ so he is time barred.</p>
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<p>Potential Monetary Impact:</p>	<p>Unknown at this time</p>
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