

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* FRANK C. FOY  
AND SUZANNE B. FOY,

*Qui tam* Plaintiffs,

v.

No. 6:09-CV-178

VANDERBILT CAPITAL ADVISORS, LLC; et al.,

Defendants.

STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF BERNALILLO    )

**AFFIDAVIT OF PAULINE TURNER**

I, Pauline Turner, first being duly sworn, do state as follows:

1. My name is Pauline Turner. I live in Albuquerque, New Mexico.
2. I am a retired professor of Family Studies at the University of New Mexico.

I retired in 2004.

3. I served as a Trustee of the New Mexico Educational Retirement Board for approximately 14 years until the end of June 2008. I stepped down because of poor health, advancing age, and frustration in the direction that the Board was moving, particularly as it related to investment philosophy and the actions and characteristics of the Board Chair.

4. I have first-hand knowledge about what happened at ERB, including the investments with Vanderbilt and others.

6. I am 71 years old. My health is poor. In 2002 I was diagnosed with lung cancer. The treatment consisted of a lobectomy, which was the removal of the lower lobe of my right lung. I was also on oxygen for 24 hours a day, seven days a week.

7. I have also been diagnosed with COPD, which is Chronic Obstructive Pulmonary Disease. In recent months I have been hospitalized three times with acute respiratory distress which required the use of a ventilator. My doctors have said that I am now in end-stage COPD. My health is day-to-day.

8. I am willing to give sworn testimony. I believe I have a duty to testify if possible, especially because I was a fiduciary for the Educational Retirement Board and retired educators. I am concerned that disability or death might prevent me from testifying unless my deposition is taken as soon as possible.

9. I have agreed to have my deposition taken in Albuquerque starting on March 23 for a maximum of seven hours. Depending on my physical condition, the deposition might have to be broken up into shorter segments on March 23, 24 and/or 25. I understand that I will be asked questions by the lawyers for the plaintiffs and by the lawyers for the defendants.

10. I respectfully ask the Court to allow me to give sworn testimony starting on March 23.

**FURTHER AFFIANT SAYETH NOT.**

\_\_\_\_\_  
Pauline Turner

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by Pauline Turner.

\_\_\_\_\_  
Notary Public

My commission expires:

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