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UNITED STATES BANKRUPTCY COURT

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EASTERN DISTRICT OF CALIFORNIA

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SACRAMENTO DIVISION

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In re:

CASE NO.: 12-32118-C-9

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CITY OF STOCKTON, CALIFORNIA,

DCN: JD-1

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Debtor.

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**DECLARATION OF BRENDA JO  
TUBBS IN SUPPORT OF RETIREE  
COMMITTEE'S OPPOSITION TO  
FRANKLIN'S MOTION FOR STAY  
PENDING APPEAL OF  
CONFIRMATION ORDER**

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Date: December 10, 2014

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Time: 11:00 a.m.

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Judge: Hon. Christopher M. Klein

Courtroom: 35, Department C

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I, Brenda Jo Tubbs, declare:

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1. I have personal knowledge of the facts set forth in this declaration and, if called as

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a witness, I could and would testify competently to these facts under oath.

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2. I was born on June 13, 1954 and am 60 years old. I live at 127 E. Grove St.,

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Stockton, CA 95204.

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3. I was hired by the City of Stockton in March 1988 and retired in July 2009 as a

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Circulation Assistant.

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1 4. I have no dependents on the City's Health Plan. I have enough quarters to be  
2 eligible for Medicare when I turn 65.

3 5. My CalPERS retirement check after tax withholdings is \$1,680.90. My net annual  
4 pension income after taxes is approximately \$20,170.80, and I receive some disability payments.

5 6. The City terminated my health benefits during its bankruptcy case. I have since  
6 obtained replacement insurance through an Anthem Blue Cross self-insured plan. My share of  
7 the monthly premiums, after receiving some premium assistance, is \$1.00. However, the plan  
8 also has a deductible of \$5,000, which must be paid before my insurance makes any payments for  
9 my healthcare. It appears to me that certain additional charges may be imposed in certain limited  
10 circumstances above the deductible because my insurance card states that the maximum out-of-  
11 pocket limit is \$6,350 per year. These premiums and deductibles total as much as 31% of my  
12 modest annual pension income.

13 7. I currently suffer from chronic medical conditions which make me unable to work.  
14 While covered by the City's health plan, I was taking 14 prescriptions for various illnesses. I am  
15 now taking only two prescriptions because I cannot afford the other medications. In April of  
16 2012, I had a total hip replacement. While covered by the City's health plan I would see a liver  
17 doctor, lung doctor and heart doctor regularly and they regularly ordered lots of lab work, MRIs,  
18 cat scans, X-rays, etc. I have a very old, very severely torn rotator cuff injury that cannot be  
19 repaired due to how long it's been an issue, making me unable to work. Cortisone shots are all  
20 they can do for me on that one. While the City's one-time payment will only cover a small  
21 amount of my new health care expenses, it will provide me with some much needed funds to pay  
22 for my health benefits and other necessary expenses. When I voted in favor of the City's Plan I  
23 did so with the expectation that the payments for retiree health benefit would be made within a  
24 reasonable time and after a long appeal process. At my age and economic circumstances prompt

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1 payment of this distribution is very important to me, and requiring me to wait for resolution of an  
2 appeal before receiving this distribution would impose a substantial hardship on me.

3 I declare under penalty of perjury under the law of the United States of America that the  
4 foregoing is true and correct and that this declaration was executed in Stockton, CA on  
5 November 2, 2014.

6 Brenda Jo Tubbs  
7 BRENDA JO TUBBS

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