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Attorney for Movants
DEAN ANDAL

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:
CITY OF STOCKTON,
CALIFORNIA,

Debtor,

Case No. 12-32118-C-9
DC No.: JTS-02

Judge: Hon. Christopher M. Klein

**DECLARATION OF JOSEPH T.
SPEAKER IN SUPPORT OF REPLY TO
OPPOSITION TO MOTION FOR
ORDER SHORTENING TIME TO
HEAR MOTION FOR RELIEF FROM
AUTOMATIC STAY**

I, Joseph T. Speaker, declare as follows:

1. I am an attorney at law duly licensed to practice before all state and federal courts in California, and I am an associate in the law firm of Koeller, Nebeker, Carlson & Haluck, LLP, attorneys of record for movant DEAN ANDAL (hereinafter "Movant") in the above-entitled action.

2. Movant retained Koeller, Nebeker, Carlson & Haluck, LLP (hereinafter "Firm") on July 25, 2013 to pursue a writ of mandate proceeding in San Joaquin County Superior Court.

3. I am informed and believe that prior to contacting Firm, Movant was unaware that in order to pursue the writ of mandate proceeding on the state law writ of mandate issue, steps would need to be taken in the Federal Bankruptcy Court. Indeed, Movant believed that he had until August 13, 2013 to bring any proceeding.

EXHIBIT

“A”

Joseph Speaker

From: Joseph Speaker [Joseph.Speaker@knchlaw.com]
Sent: Friday, August 02, 2013 10:16 AM
To: 'Levinson, Marc A.'
Cc: 'Jessica Guzman'
Subject: FW: Stockton -- More follow-up re the request that the City stipulate to relief from the stay

Mr. Levinson,

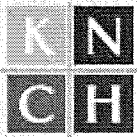
I wanted to notify you that our office will be filing a Motion for Relief from the Automatic Stay this morning in the underlying bankruptcy case for the City of Stockton, Case No. 12-32118-C-9. The hearing is being set for August 20, 2013 at 9:30 a.m. in Department 35. The moving papers will be made available upon request or they may be found on the court's website.

Additionally, please be advised that our office is also filing a Motion for an Order Shortening Time to hear the Motion for Relief from the Automatic Stay this morning. Our office is requesting that any hearing on the Motion for an Order Shortening Time be heard on August 6, 2013 at 9:30 a.m. or as soon thereafter as the Court's calendar will permit. We are requesting that the Motion for Relief from the Automatic Stay be heard prior to the August 20, 2013 noticed date, as the Court's calendar permits. Again, the moving papers will be made available upon request or they may be found on the court's website.

Our office is still willing to enter into a Stipulation for Relief should your client grant authority, but due to timing, we must move forward with the formal noticed motion. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

KOELLER | NEBEKER | CARLSON | HALUCK LLP



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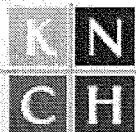
From: Joseph Speaker [mailto:Joseph.Speaker@knchlaw.com]
Sent: Thursday, August 01, 2013 9:25 AM
To: 'Levinson, Marc A.'
Cc: 'Jessica Guzman'
Subject: RE: Stockton -- More follow-up re the request that the City stipulate to relief from the stay

Mr. Levinson,

Rather than communicate via email, I would like to set up a time today to discuss this matter over the phone. I believe we can accomplish a lot more in an open dialogue. I understand your client's desire to see the moving papers for the writ of mandate, but your client must understand the sensitive nature of divulging those papers before the statutorily prescribed period. We are more than happy to discuss the content of the writ of mandate in detail and any stipulation can be drafted so as to tailor exactly what the writ will be brought for, however giving the entire moving papers appears unwarranted. Please let me know a time that works for you today to discuss the matter. I believe we can reach a solution in a relatively short period of time. Thank you for your understanding.

Sincerely,

KOELLER | NEBEKER | CARLSON | HALUCK LLP



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From: Levinson, Marc A. [<mailto:MALEVINSON@Orrick.com>]

Sent: Wednesday, July 31, 2013 3:30 PM

To: Joseph Speaker

Cc: 'Jessica Guzman'

Subject: Stockton -- More follow-up re the request that the City stipulate to relief from the stay

Mr. Speaker,

Sorry I missed your call. Thanks for the v/m and for the email. My email of yesterday was sent because the City cannot decide whether to stipulate to relief from the stay without knowing what the writ of mandate lawsuit looks like. I understand from your v/m that the pleading is largely complete, but may be amended once final ballot language is presented. Even a near-complete draft would help the City both understand the issues and get a sense of whether it can stipulate to relief from the stay. I acknowledge and understand that the pleading may change pending new developments. My suggestion is that you mark each page as 7/31/13 DRAFT, and in your cover email expressly note that the draft may change in the future. If the draft is indeed 99% complete, as noted in your v/m, it ought to provide the City with what it needs in order to decide whether to agree with your stay request.

Thanks,
Marc Levinson

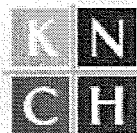
From: Joseph Speaker [mailto:Joseph.Speaker@knchlaw.com]
Sent: Wednesday, July 31, 2013 2:38 PM
To: Levinson, Marc A.
Cc: 'Jessica Guzman'
Subject: RE: In re City of Stockton California -- Follow-up re the request that the City stipulate to relief from the stay

Mr. Levinson,

I just left you a voicemail, but I wanted to follow up my email as well. I would like to discuss this matter with you in greater detail. Please give me a call at your soonest convenience. Thank you for your assistance.

Sincerely,

KOELLER | NEBEKER | CARLSON | HALUCK LLP



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From: Levinson, Marc A. [mailto:MALEVINSON@Orrick.com]
Sent: Tuesday, July 30, 2013 2:51 PM
To: Joseph Speaker
Cc: 'Jessica Guzman'
Subject: In re City of Stockton California -- Follow-up re the request that the City stipulate to relief from the stay

Thanks for the heads up. Please forward a copy of the petition/application/complaint that your client(s) seeks to file in the Superior Court.

From: Joseph Speaker [mailto:Joseph.Speaker@knchlaw.com]
Sent: Tuesday, July 30, 2013 11:44 AM
To: Levinson, Marc A.
Cc: 'Jessica Guzman'
Subject: In re City of Stockton California
Importance: High

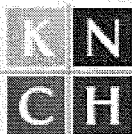
Mr. Levinson,

Our office has recently been retained to proceed with a Writ of Mandate proceeding in San Joaquin County Superior Court against the Stockton City Council (as real party in interest) for the City of Stockton, challenging proposed language

on the November 2013 ballot. The matter pertains exclusively to procedures under the California Elections Code regarding requirements for proposed ballot titles. As the City of Stockton is currently a debtor under Chapter 9 of the bankruptcy code, our office will be moving the Eastern District Bankruptcy Court for relief from the automatic stay in order to proceed with this purely state court elections law issue.

The purpose of this correspondence is to see if your office, as counsel for the City of Stockton, will stipulate to relief from the automatic stay in order to allow the state court Writ of Mandate proceeding discussed above. This will save both our clients time and money and allow for a quicker resolution of this matter. As time is of the essence with regard to this matter, we request that you notify our office of whether you are willing to enter into this stipulation by end of business day tomorrow, **July 31, 2013**. Please do not hesitate to contact our office should you have any questions. We look forward to hearing from you.

KOELLER | NEBEKER | CARLSON | HALUCK LLP



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