



1 G. SCOTT EMBLIDGE, State Bar No. 121613
 2 RACHEL J. SATER, State Bar No. 147976
 3 KATHRYN J. ZOGLIN, State Bar No. 121187
 4 MOSCONE EMBLIDGE & SATER LLP
 220 Montgomery Street, Suite 2100
 San Francisco, California 94104-4238
 Telephone: (415) 362-3599
 Facsimile: (415) 362-2006

5 Attorneys for Plaintiffs Association of Retired
 6 Employees of the City of Stockton, Shelley Green,
 Patricia Hernandez, Reed Hogan, Glenn E.
 7 Matthews, Patrick L. Samsell, Alfred J. Siebel,
 Brenda Jo Tubbs, and Teri Williams on Behalf of
 8 Themselves and Others Similarly Situated

9
 10 **UNITED STATES BANKRUPTCY COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION**

12 In re:
 13 CITY OF STOCKTON, CALIFORNIA,
 14 Debtor.

Case No. 12-32118
 Chapter 9

15 ASSOCIATION OF RETIRED EMPLOYEES
 16 OF THE CITY OF STOCKTON, a nonprofit
 California corporation, SHELLEY GREEN,
 17 PATRICIA HERNANDEZ, REED HOGAN,
 GLENN E. MATTHEWS, PATRICK L.
 18 SAMSELL, ALFRED J. SIEBEL, BRENDA
 JO TUBBS, TERI WILLIAMS, on Behalf of
 19 Themselves and Others Similarly Situated,

Adv. No.
 DECLARATION OF DEBRA M. EMERY
 IN SUPPORT OF APPLICATION FOR
 TEMPORARY RESTRAINING ORDER
 OR RELIEF FROM STAY

20 Plaintiffs,

21 vs.

22 CITY OF STOCKTON, CALIFORNIA,
 23 Defendant.

1 I, Debra M. Emery, declare:

2 1. I have personal knowledge of the facts set forth in this declaration and, if called as
3 a witness, I could and would testify competently to these facts under oath.

4 2. I was born on October 25, 1956 and am 56 years old. I live at 10550 Pyramid
5 Drive, Stockton, CA 95219.

6 3. I was hired by the City of Stockton in May of 1985 and retired in July of 2011 as
7 a Road Maintenance Technician.

8 4. I have no dependents on the City's Health Plan.

9 5. My CALPERS retirement check is \$1,175.14. My net annual income is
10 \$19,321.68.

11 6. I am informed and believe the City has adopted a monthly premium for retiree
12 health benefits. If required to pay this premium to receive City Health Plan benefits, even with

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 the City's \$300 per month subsidy, my monthly premium would be \$575.92 monthly or
 2 \$6,911.04 annually. This represents almost 36% of my annual income. Since my entire annual
 3 net income is only \$19321.68, that would leave me only \$1,034.22 each month on which to live
 4 after paying for my health care benefit.

5 7. After my husband committed suicide in April of 2011 I lost his income and was
 6 left with a considerable amount of debt from a failing business. I am currently being treated for
 7 high blood pressure. I have had open heart surgery. Both my parents had diabetes and both died
 8 from heart failure. I doubt very seriously that I would be able to purchase medical insurance on
 9 the open market with my medical history. Losing the City's Health Plan would be devastating
 10 for me.

12 8. I retired early because I wanted to retain my health insurance as a retiree and the
 13 City was threatening to take away employee coverage. Therefore, I lost out on service time
 14 which would have increased my pension.

16 I declare under penalty of perjury under the law of the United States of America that the
 17 foregoing is true and correct and that this declaration was executed in Stockton, CA on
 18 July 3, 2012.

20 *Debra M. Emery*
 21 _____
 22 DEBRA M. EMERY