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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.

**DECLARATION OF WAYNE KLEMIN
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, Wayne Klemin, 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 May 7, 1954 and am 60 years old. I live at 3140 Moon Avenue,

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Stockton, CA 95204.

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3. I was hired December 16, 1981 by the City of Stockton, and retired on June 30,

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2010. My job title was Mechanic III Heavy.

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1 4. I have no dependents on the City Plan and am eligible for Medicare when I turn
2 65.

3 5. My CalPERS retirement check after tax withholdings is \$2,724.22. My annual
4 pension income not including deferred compensation is \$32,690.64.

5 6. The City terminated my health benefits during its bankruptcy case. I have since
6 obtained replacement insurance through a Kaiser self-insured plan. My monthly premiums under
7 that plan are \$673, which totals \$8,076 per year. The plan also has a deductible of \$1,250 per
8 person, which must be paid before my insurance makes any payments for my healthcare. The
9 maximum out-of-pocket limit is \$6,350 per year. These premiums and deductibles total
10 approximately 44% of my annual pension income.

11 7. Since my entire annual net pension income is only \$32,690.64, paying these new
12 health care expenses leaves me with only \$18,264 to \$23,364.64 from my annual pension income,
13 depending on the deductible level applied. Divided up into monthly installments, that would
14 leave me approximately \$1,522 to \$1,947.05 of my pension each month to pay for living
15 expenses after paying for my health care benefits.

16 8. I have diabetes and hypertension which require ongoing care. While the City's
17 one-time payment will only cover a small amount of my new health care expenses, it will provide
18 me with some much needed funds to pay for my health benefits and other necessary expenses.
19 When I voted in favor of the City's Plan I did so with the expectation that the payments for retiree
20 health benefit would be made within a reasonable time and after a long appeal process. At my
21 age and economic circumstances prompt payment of this distribution is very important to me, and
22 requiring me to wait for resolution of an appeal before receiving this distribution would impose a
23 substantial hardship on me.

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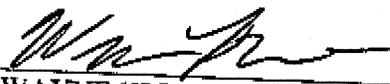
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I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct and that this declaration was executed in Stockton, California on 11-21, 2014.



WAYNE KLEMIN