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

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

Case No. 2012-32118
 D.C. No. OHS-15
 Chapter 9

**CITY OF STOCKTON'S RESPONSE
 TO FRANKLIN HIGH YIELD TAX-
 FREE INCOME FUND AND
 FRANKLIN CALIFORNIA HIGH
 YIELD MUNICIPAL FUND'S
 EVIDENTIARY OBJECTIONS TO
 DIRECT TESTIMONY
 DECLARATION OF KIM NICHOLL
 IN SUPPORT OF CONFIRMATION OF
 FIRST AMENDED PLAN FOR THE
 ADJUSTMENT OF DEBTS OF CITY
 OF STOCKTON CALIFORNIA
 (NOVEMBER 15, 2013)**

22 WELLS FARGO BANK, et al.
 23 Plaintiffs,
 24 v.
 25 CITY OF STOCKTON, CALIFORNIA,
 Defendant.

Adv. No. 2013-02315

Date: May 12, 2014
 Time: 9:30 a.m.
 Dept: Courtroom 35
 Judge: Hon. Christopher M. Klein

Pursuant to paragraph 44 of the Order Governing The Disclosure And Use Of Discovery Information And Scheduling Dates, Etc. [Dkt. Nos. 1224 (Case), 16 (Proceeding)], as amended by the Order Modifying Order Governing The Disclosure And Use Of Discovery Information And Scheduling Dates, Etc. [Dkt. Nos. 1242 (Case), 18 (Proceeding)] (collectively, the “Orders”), the City of Stockton, California (the “City”), the debtor and defendant in the above-captioned case and adversary proceeding, hereby submits the following responses to Franklin High Yield Tax-Free Income Fund and Franklin California High Yield Municipal Fund’s (collectively, “Franklin’s”) Evidentiary Objections to Direct Testimony Declaration of Kim Nicholl In Support Of Confirmation Of First Amended Plan For The Adjustment Of Debts Of City Of Stockton California (November 15, 2013) [Dkt. Nos. 1421 (Case), 110 (Proceeding)].

PARAGRAPH OBJECTED TO	GROUNDS FOR OBJECTION	RESPONSE TO OBJECTION
<p>3. I have reviewed the Moore Report and its accompanying exhibits. I also attended Mr. Moore’s deposition on April 16, 2014. I believe that the opinions, analysis, and conclusions in the Moore Report contain serious flaws. First, the Moore Report contains multiple errors and assumptions that suggest a lack of familiarity with how pension plan contributions are calculated. Second, the Moore Report’s comparison of Segal’s projections with those of the California Public Employees’ Retirement System (“CalPERS”) fails to disclose or account for the reasoned differences in assumptions between the two sets of projections, which readily explain the differences in final projections. Finally, while the Moore Report concludes that Stockton’s pension contributions are</p>	<p>Franklin objects to the statements in this paragraph because Ms. Nicholl’s descriptions of Mr. Moore’s report are not the best evidence of that document. FED. R. EVID. 1002.</p>	<p>The statements in this paragraph do not violate FED. R. EVID. 1002 because they are not secondary evidence being offered to prove the content of a writing. <i>See United States v. Mayans</i>, 17 F.3d 1174, 1184-85 (9th Cir. 1994) (holding that the trial court erred in sustaining best evidence objections to questions regarding witnesses’ understanding of the terms of a written plea agreement). Even if they were, Franklin has filed the Moore Report on the Court’s docket.</p>

