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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:
CITY OF STOCKTON, CALIFORNIA,
Debtor.

Case No. 2012-32118
D.C. No. OHS-10
Chapter 9

**MOTION FOR ORDER (1) FIXING A
NOVEMBER 26, 2013 BAR DATE FOR
RETIREE HEALTH BENEFIT
CLAIMS, (2) APPROVING FORM OF
NOTICE OF BAR DATE, AND
(3) REQUIRING CITY TO TRANSMIT
NOTICE OF BAR DATE TO RETIREE
HEALTH BENEFIT CLAIMANTS BY
NO LATER THAN OCTOBER 18, 2013**

Date: October 7, 2013
Time: 10:00 a.m.
Dept: Courtroom 35
Judge: Hon. Christopher M. Klein

1 The City of Stockton, California (the “City”), the debtor in the above-captioned case,
2 respectfully moves (by this “Motion”) for entry of an order: (1) fixing November 26, 2013 as the
3 date by which proofs of claim by former City employees on account of or in any way related to
4 the City’s postpetition reduction and then elimination of its contribution to health benefit
5 payments to former City employees must be filed in order to be considered timely (the “Retiree
6 Health Bar Date” for “Retiree Health Benefit Claims”); (2) approving the form of “Notice Of
7 November 26, 2013 Bar Date For All Retiree Health Benefit Claims” (“Retiree Health Bar
8 Notice”), a copy of which is attached hereto as Exhibit A; and (3) requiring the City to transmit
9 the Retiree Health Bar Notice to all Retiree Health Benefit Claimants¹ by no later than October
10 18, 2013.

11 **BACKGROUND**

12 This Motion is part of a joint effort by the City and the Official Committee of Retirees
13 (the “Retirees Committee”) to overcome a logistical hurdle facing Retiree Health Benefit
14 Claimants. Retiree Health Benefit Claimants have undisputed claims against the City resulting
15 from the City’s postpetition reduction and then elimination of its contribution to health benefit
16 payments to former City employees. However, the amount of benefits owed to each Retiree
17 Health Benefit Claimant can be determined only through complex actuarial calculations
18 conducted by a professional actuary. Most, if not all, Retiree Health Benefit Claimants are thus
19 unable to calculate the amount of their claims. This Motion therefore seeks an order approving a
20 procedure by which Retiree Health Benefit Claimants may either rely upon the Retiree Health
21 Benefit Claim amounts calculated by the City’s health insurance actuary or file proofs of claim
22 for different amounts if they believe the calculations are inaccurate.

23 As the first step in this procedure, the City is amending and will soon file an updated list
24 of creditors under 11 U.S.C. § 924 to update the claim amount listed for each of the

25 _____
26 ¹ “Retiree Health Benefit Claimant” means a former City employee who was eligible for retiree health benefits based
27 on his or her collective bargaining agreement at the time of retirement and: (a) who was receiving City retiree health
28 benefits as of June 30, 2012 (which includes any retiree who had waived coverage prior to that date but was
otherwise eligible, or any retiree who had exceeded the 15-year cap for under-65 retiree health benefits, but who was
eligible for a City retiree benefit for an over-65 retiree); or (b) who retired prior to July 1, 2012 with his or her last
day on payroll having occurred on or before June 30, 2012; or (c) who was a surviving spouse of a deceased retiree
who was receiving retiree benefits on June 30, 2012.

1 Retiree Health Benefit Claimants. The current version of the City's list of creditors does not list
2 any amount for these claims, and, in addition, lists each claim as disputed. The City's
3 amendment will set forth for each Retiree Health Benefit Claimant the amount of his or her
4 Retiree Health Benefit Claim as calculated by the City's actuary. It will also list each Retiree
5 Health Benefit Claim as undisputed. As a result, a proof of claim will be deemed filed for each
6 Retiree Health Benefit Claimant in the amount listed by the City. 11 U.S.C. § 925.

7 After this amendment, and contingent on this Motion being granted, the City will send to
8 each Retiree Health Benefit Claimant the Retiree Health Bar Notice. The Retiree Health Bar
9 Notice will inform each recipient of the amount of his or her Retiree Health Benefit Claim as
10 calculated by the City's actuary and explain that the recipient does not need to file a proof of
11 claim for his or her retiree health benefits if he or she agrees with that amount. The Retiree
12 Health Bar Notice will also explain that, if the recipient disagrees with the listed amount, he or
13 she may file a proof of claim for what he or she believes is the correct amount. A proof of claim
14 form will be attached to each Retiree Health Bar Notice.

15 The Retiree Health Bar Notice will provide that if a Retiree Health Benefit Claimant
16 chooses to file a proof of claim, he or she must do so by the Retiree Health Bar Date. Pursuant to
17 Federal Rule of Bankruptcy Procedure 2002(a), Retiree Health Benefit Claimants must be given
18 at least 21 days' notice by mail of the time fixed for filing proofs of claim. Accordingly, the City
19 will transmit the Retiree Health Bar Notice by first class mail to all Retiree Health Benefit
20 Claimants by no later than October 18, 2013, more than 21 days before the November 26, 2013
21 Retiree Health Benefits Bar Date.

22 **CALCULATION METHODOLOGY**

23 The methodology by which the City's actuary calculates the amount of each Retiree
24 Health Benefit Claim is exceedingly complex. The City has prepared a plain language
25 explanation of the methodology, but even the most abbreviated version of this explanation is half
26 a dozen pages long. The plain language explanation is available to the Court or parties in interest
27 upon request, and the Retiree Health Bar Notice will likewise advise recipients that the plain
28 language explanation is available upon request.

1 The Segal Company (“Segal”), the City’s health insurance and other post-employment
2 benefits actuary, calculated the amount of each Retiree Health Benefit Claim by considering both
3 aggregate and individual factors. Segal began by using past years of health claims by retirees and
4 their dependents to develop a per capita cost for the 12-month period from July 1, 2012, through
5 June 30, 2013. Segal then projected annual retiree health costs for each Retiree Health Benefit
6 Claimant’s lifetime. This calculation assumes annual increases in costs based on medical
7 inflation and takes into account the life expectancy of the Retiree Health Benefit Claimants and
8 their dependents based on the 2009 period life expectancy tables for healthy and disabled lives, as
9 published by the Social Security Administration.

10 Segal’s claim calculation took into account the transition of retirees who are not now
11 covered by Medicare into Medicare coverage. The claims of those not now eligible for Medicare
12 were not adjusted. A dependent child was included only until age 23, when the child’s eligibility
13 to be enrolled ends. Retirees under 65 years of age who would have exhausted their maximum
14 15-year benefit had their claims adjusted to reflect the years in which they would not have been
15 eligible for paid coverage. Only one dependent, where applicable, is included in the calculation,
16 and dependent information is based on enrollment as of June 30, 2012.

17 The list of Retiree Health Benefit Claimants and dependents eligible for benefits was
18 provided to Segal by the City. To be eligible for a Retiree Health Benefit Claim, a former City
19 employee must have been eligible for retiree health benefits under the Memorandum of
20 Understanding in effect at the time of his or her retirement, and must have been enrolled in the
21 retiree health plan as of June 30, 2012. Also included are retirees who were otherwise eligible for
22 retiree health benefits but waived coverage, retirees who had exhausted their under age 65 15-
23 year benefit but who were otherwise eligible for the over age 65 benefit, and retirees who retired
24 prior to July 1, 2012 but who had not yet been enrolled in the retiree health plan. Based on City
25 Council action, surviving spouses of Retiree Health Benefit Claimants who died prior to July 1,
26 2012 were included where the surviving spouse was enrolled in the retiree health plan as of June
27 30, 2012. If a Retiree Health Benefit Claimant died, or dies, after July 1, 2012, he or she is still
28 included in this eligible group.

1 The City and the Retirees Committee have worked together to ensure the accuracy of
2 Segal’s calculation methodology. The City has been informed by counsel for the Retirees
3 Committee that the Retirees Committee considers the methodology to be fair and reasonable.

4 **JOINT EFFORTS TO CONFIRM CLAIMANT DATA**

5 Given the pivotal role of birth dates in Segal’s calculation methodology, the City and the
6 Retirees Committee agreed that it was necessary to verify the accuracy of the dates of birth on file
7 for each Retiree Health Benefit Claimant and, where applicable, his or her dependent. On
8 September 12 and 13, 2013, with the assistance of the Retirees Committee and the cooperation of
9 the California Public Employees’ Retirement System (“CalPERS”), the City sent a letter to each
10 Retiree Health Benefit Claimant setting forth these dates and requesting that the recipient contact
11 the City within two weeks if the dates were incorrect. As of September 27, 2013, fewer than
12 twenty Retiree Health Benefit Claimants had contacted the City to correct his or her (and/or his or
13 her dependent’s) date of birth. Despite the best efforts of CalPERS, the Retirees Committee, and
14 the City, current addresses could not be located for two of the approximately 1,100 Retiree Health
15 Benefit Claimants.

16 **CONCLUSION**

17 For the reasons set forth above, the City respectfully requests entry of an order: (1) fixing
18 November 26, 2013 as the Retiree Health Bar Date; (2) approving the Retiree Health Bar Notice;
19 (3) requiring the City to transmit the Retiree Health Bar Notice to all Retiree Health Benefit
20 Claimants by no later than October 18, 2013; and (4) granting such other and further relief as the
21 Court deems appropriate.

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Exhibit A

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1 MARC A. LEVINSON (STATE BAR NO. 57613)
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7 Attorneys for Debtor
 City of Stockton
 8

9 UNITED STATES BANKRUPTCY COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION
 12

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

Case No. 2012-32118

Chapter 9

**NOTICE OF NOVEMBER 26, 2013
 BAR DATE FOR ALL RETIREE
 HEALTH BENEFIT CLAIMS**

17
 18 **TO: ALL PERSONS WHO HAVE CLAIMS AGAINST THE CITY OF STOCKTON,
 19 CALIFORNIA, RELATED TO THE CITY'S POSTPETITION REDUCTION AND
 20 ELIMINATION OF ITS CONTRIBUTION TO HEALTH BENEFIT PAYMENTS TO
 FORMER CITY EMPLOYEES:**

21 **You have a claim against the City of Stockton, California, as a result of the City's reduction
 22 and then elimination of its contribution to health benefit payments to former city employees
 during the City's bankruptcy.**

23 **The amount of your retiree health benefit claim (which includes amounts for dependent
 24 benefits where applicable) as calculated by the City's health insurance actuary is set forth in
 25 Exhibit 1 to this Notice. IF YOU AGREE WITH THE AMOUNT OF YOUR RETIREE
 26 HEALTH BENEFIT CLAIM AS SET FORTH IN THE ATTACHED EXHIBIT 1, YOU
 DO NOT NEED TO FILE A PROOF OF CLAIM.**

27 **If you disagree with the amount of your retiree health benefit claim as set forth in Exhibit 1
 28 to this Notice, you may file a proof of claim for a different amount by no later than
 November 26, 2013. If you do not timely file a proof of claim, the amount set forth in**

1 **Exhibit 1 will be treated as the allowed amount of your retiree health benefit claim, and**
2 **your ability to assert a different amount will be forever barred.**

3 **Further information and instructions are set forth below. Please read this Notice and the**
4 **accompanying exhibits carefully.**

5 **BACKGROUND INFORMATION**

6 On June 28, 2012, the City of Stockton, California (the “City”), filed a voluntary petition
7 for relief under chapter 9 of Title 11 of the United States Code in the United States Bankruptcy
8 Court for the Eastern District of California (the “Court”). On April 1, 2013, the United States
9 Trustee appointed the Official Committee of Retirees (the “Retirees Committee”) to represent the
10 interests of the City’s retirees in the bankruptcy case. According to records maintained by the
11 City, you are a Retiree Health Benefit Claimant¹ (or a surviving spouse or surviving dependent of
12 a Retiree Health Benefit Claimant) and have a claim against the City related to the City’s
13 postpetition reduction and then elimination of its contribution to health benefit payments to
14 former City employees (a “Retiree Health Benefit Claim”).

15 **BAR DATE FOR RETIREE HEALTH BENEFIT CLAIMS**

16 By its order entered on October ____, 2013 (the “Retiree Health Bar Date Order”), the
17 Court established November 26, 2013 (the “Retiree Health Bar Date”) as the deadline by which
18 Retiree Health Benefit Claimants may timely file proofs of claim for Retiree Health Benefit
19 Claims in amounts different from those calculated by the City’s health insurance actuary.

20 The amount of your Retiree Health Benefit Claim as calculated by the City’s actuary is set
21 forth in the attached **Exhibit 1**. The City and the Retirees Committee have worked together to
22 ensure that this amount was calculated based on the most accurate data available. The method by
23 which the amount of your Retiree Health Benefit Claim was calculated is described below in the
24 section titled “Method Used to Calculate Your Claim Amount.”

25 _____
26 ¹ “Retiree Health Benefit Claimant” means a former City employee who was eligible for retiree health benefits based
27 on his or her collective bargaining agreement at the time of retirement and: (a) who was receiving City retiree health
28 benefits as of June 30, 2012 (which includes any retiree who had waived coverage prior to that date but was
otherwise eligible, or any retiree who had exceeded the 15-year cap for under-65 retiree health benefits, but who was
eligible for a City retiree benefit for an over-65 retiree); or (b) who retired prior to July 1, 2012 with his or her last
day on payroll having occurred on or before June 30, 2012; or (c) who was a surviving spouse of a deceased retiree
who was receiving retiree benefits on June 30, 2012.

1 **As noted above, if you agree with the amount of your Retiree Health Benefit Claim**
2 **as calculated by the City and set forth in Exhibit 1 to this Notice, you do not need to file a**
3 **proof of claim.** The City has filed with the Court a document indicating that the amount set forth
4 in Exhibit 1 is the amount owed to you for your Retiree Health Benefit Claim. Unless you file a
5 proof of claim asserting a different amount, the amount set forth in Exhibit 1 will be treated as the
6 allowed amount of your Retiree Health Benefit Claim.

7 **If you disagree with the amount set forth in Exhibit 1, you may file a proof of claim**
8 **asserting a different amount and stating briefly the basis for that amount.** You may use the
9 proof of claim form attached hereto as **Exhibit 2**. Instructions for filing proofs of claim are set
10 forth below in the section titled “Procedures for Filing Proofs of Claim.”

11 The Retiree Health Bar Date applies to all Retiree Health Benefit Claimants. The Retiree
12 Health Bar Date Order permanently bars all proofs of claim for Retiree Health Benefit Claims in
13 amounts different from the amounts calculated by the City’s actuary after the Retiree Health Bar
14 Date. Note that any proof of claim asserting an amount different from the amount calculated by
15 the City’s actuary **must be RECEIVED by the Court on or before the Retiree Health Bar**
16 **Date**. Thus, a proof of claim mailed on November 26 will not be timely.

17 **METHOD USED TO CALCULATE YOUR CLAIM AMOUNT**

18 The Segal Company (“Segal”), the City’s health insurance and other post-employment
19 benefits actuary, calculated the amount of each Retiree Health Benefit Claim by considering both
20 aggregate and individual factors. Segal began by using past years of health claims by retirees and
21 their dependents to develop a per capita cost for the 12-month period from July 1, 2012, through
22 June 30, 2013. Segal then projected annual retiree health costs for each Retiree Health Benefit
23 Claimant’s lifetime. This calculation assumes annual increases in costs based on medical
24 inflation and takes into account the life expectancy of the Retiree Health Benefit Claimants and
25 their dependents based on the 2009 period life expectancy tables for healthy and disabled lives, as
26 published by the Social Security Administration.

27 Segal’s claim calculation took into account the transition of retirees who are not now
28 covered by Medicare into Medicare coverage. The claims of those not now eligible for Medicare

1 were not adjusted. A dependent child was included only until age 23, when the child's eligibility
2 to be enrolled ends. Retirees under 65 years of age who would have exhausted their maximum
3 15-year benefit had their claims adjusted to reflect the years in which they would not have been
4 eligible for paid coverage. Only one dependent, where applicable, is included in the calculation,
5 and dependent information is based on enrollment as of June 30, 2012.

6 The list of Retiree Health Benefit Claimants and dependents eligible for benefits was
7 provided to Segal by the City. To be eligible for a Retiree Health Benefit Claim, a former City
8 employee must have been eligible for retiree health benefits under the Memorandum of
9 Understanding in effect at the time of his or her retirement, and must have been enrolled in the
10 retiree health plan as of June 30, 2012. Also included are retirees who were otherwise eligible for
11 retiree health benefits but waived coverage, retirees who had exhausted their under age 65 15-
12 year benefit but who were otherwise eligible for the over age 65 benefit, and retirees who retired
13 prior to July 1, 2012 but who had not yet been enrolled in the retiree health plan. Based on City
14 Council action, surviving spouses of Retiree Health Benefit Claimants who died prior to July 1,
15 2012 were included where the surviving spouse was enrolled in the retiree health plan as of June
16 30, 2012. If a Retiree Health Benefit Claimant died, or dies, after July 1, 2012, he or she is still
17 included in this eligible group.

18 The City and the Retirees Committee have worked together to ensure the accuracy of
19 Segal's calculation methodology. The City has been informed by counsel for the Retirees
20 Committee that the Retirees Committee considers the methodology to be fair and reasonable.

21 If you want a more detailed explanation of Segal's calculation methodology, a plain
22 language explanation of the methodology prepared by the City and Segal for distribution to
23 Retiree Health Benefit Claimants by the Retirees Committee is available at the ARECOS website
24 at www.arecos.org or by sending a written request to Jennifer Niemann, counsel for the Retirees
25 Committee, at Felderstein, Fitzgerald, Willoughby & Pascuzzi LLP, 400 Capitol Mall, Suite
26 1750, Sacramento, CA 95814.

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PROCEDURES FOR FILING PROOFS OF CLAIM

General Requirements for Proofs of Claim

Proofs of claim must be (i) completed in English, (ii) denominated in lawful currency of the United States, and (iii) signed by the actual claimant or by the claimant’s authorized representative or agent.

What, When and Where to File – Claimants Represented by Counsel

Pursuant to Local Bankruptcy Rule 5005-1, claimants represented by counsel must file proofs of claim electronically. The preferred method for filing electronic proofs of claim is via ECF. Claimants represented by counsel may also file proofs of claim via the electronic proofs of claim filing system on the Bankruptcy Court’s website (<https://ecf.caeb.uscourts.gov/cgi-bin/autoFilingClaims.pl>). Electronic proofs of claim will be deemed filed as of the date and time stated on the Notice of Electronic Filing issued by the Bankruptcy Court Clerk.

Proofs of claim filed by attorneys in paper form will be accepted by the clerk, but an attorney who files a proof of claim in paper rather than electronic form may be subject to sanctions pursuant to Local Bankruptcy Rule 5005-1(e).

What, When and Where to File – Claimants Not Represented by Counsel

Claimants not represented by counsel may file proofs of claim either in electronic form (via either ECF or the electronic proofs of claim filing system available at <https://ecf.caeb.uscourts.gov/cgi-bin/autoFilingClaims.pl>) or in paper form. Paper proofs of claim may be set forth on the attached Exhibit 2 (Official Form 10). Note again that all signed original paper proofs of claim (and any attached documentation) must be filed with the Court **on or before the Retiree Health Bar Date of November 26, 2013**. Paper proofs of claim may be filed by mail or delivery to the Court at the following address:

Clerk
United States Bankruptcy Court
501 I Street, Suite 3-200
Sacramento, CA 95814

///
///

1 For paper proofs of claims to be timely and properly filed, they must be received by the Court at
2 the above address. **Paper proofs of claim will be deemed filed only when actually received by**
3 **the Court.**

4 **YOU DO NOT NEED TO FILE A PROOF OF CLAIM IF YOU AGREE WITH**
5 **THE AMOUNT OF YOUR RETIREE HEALTH BENEFIT CLAIM AS SET FORTH IN**
6 **EXHIBIT 1.**

7 **THE CITY RECOMMENDS THAT YOU CONSULT AN ATTORNEY IF YOU**
8 **HAVE ANY QUESTIONS, INCLUDING WHETHER YOU SHOULD FILE A PROOF OF**
9 **CLAIM.**

10 Questions concerning this Notice can be submitted to the Retirees Committee. The
11 primary contacts for the Retirees Committee are its chairperson, Dwane Milnes, 209-467-0224,
12 dwane.milnes@sbcglobal.net, and Retirees Committee member Gary Ingraham, 209-403-0076,
13 gcingraham@comcast.net.

14
15 Dated: October ____, 2013

MARC A. LEVINSON
PATRICK B. BOCASH
LESLEY M. DURMANN
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19 By: /s/ Marc A. Levinson
20 MARC A. LEVINSON
21 Attorneys for Debtor
22 City of Stockton
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Exhibit 1

Amount of Your Retiree Health Benefit Claim (Including Amounts for
Dependent Benefits Where Applicable) as Calculated by the City's
Health Insurance Actuary

Retiree Health Benefit Claimant: John Q. Public

Retiree Health Benefit Claim Amount: \$123,456.78

Exhibit 2

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT Eastern District of California		PROOF OF CLAIM
Name of Debtor: City of Stockton, California	Case Number: 2012-32118	
NOTE: <i>Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.</i>		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		
Name and address where notices should be sent: Telephone number: email:		COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where payment should be sent (if different from above): Telephone number: email:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: _____ (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: _____	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe:		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ _____
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: _____

Title: _____

Company: _____

Address and telephone number (if different from notice address above): _____

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**INFORMATION****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.