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6	Attorney for Stockton City Employees Asso	ociation,	
7	Stockton Professional Firefighters – Local 456 and Operating Engineers Local No. 3		
8	UNITED STATES	BANKRUPTCY COURT	
9	EASTERN DISTRICT OF CALIFORNIA		
10	SACRAMENTO DIVISION		
11 12	CITY OF STOCKTON, CALIFORNIA	Case No: 2012-32118	
13	Debtor,	Chapter 9	
14 15		DECLARATION OF MICHAEL EGGENER IN SUPPORT OF OPPOSITION TO FRANKLIN FUNDS MOTION FOR STAY PENDING APPEAL	
16		Date: December 10, 2014	
17		Time: 11:00 a.m.	
18		Hon. Christopher Klein	
19			
20	I, Michael Eggener, declare:		
21		e of Operating Engineers Local No. 3. The	
22			
23			
24	stated on information and belief, in which case I believe them to be true.		
25	2. In my capacity as a Business Representative of Operating Engineers Local No		
26	("OE3") one of my responsibilities is to assure	e that the members of OE3 who are employed by	

function primarily through the on-site union stewards.

the City of Stockton receive all required and appropriate representation by OE3. I perform that

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<ol> <li>I have had numerous conversations with the Stockton union stewards during the</li> </ol>	ю
course of the Stockton chapter 9 bankruptcy. On the basis of those conversations, I have	
become aware that moral at that work unit is very low. I have been informed that during the	
bankruptcy process about 30 out of over 200 OE3 members employed by the city have left	
employment with Stockton. In my experience that is a high attrition rate for OE3 members.	
I also have been informed that almost all the OE3 members employed by Stockton are looking	ng
for other jobs and would leave Stockton if such opportunities arose.	

- 4. One of the reasons for low morale and high attrition is that members of OE3 have given up substantial compensation and benefits in exchange for a promise that pensions would remain intact. However, it has never been certain throughout the bankruptcy process whether Stockton would be able to keep its part of the bargain.
- 5. The information that the bankruptcy judge had approved Stockton's plan of adjustment was very good news for our members, because it removed a lot of uncertainty that has contributed to low morale. Among the most important message from confirmation of the plan was that at least the members felt that their pensions were now safe. If the Court stayed the order confirming the plan pending an appeal, that would be seen as a step back to OE3 members, because it would create uncertainty all over again. That would most likely lead to further attrition of Stockton employees.

I declare under penalty of perjury of the laws of California that I have read the foregoing, that it is true and correct to the best of my knowledge and that I believe it to be true, and that I would be competent to so testify.

Executed at Alameda, California on November 25, 2014

/s/ Michael Eggener
Michael Eggener