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 City of Stockton

14 UNITED STATES BANKRUPTCY COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 SACRAMENTO DIVISION

18 In re:  
 19 CITY OF STOCKTON, CALIFORNIA,  
 20 Debtor.

Case No. 2012-32118

Chapter 9

**CITY'S SUBMISSION OF TABLES OF  
 AUTHORITIES FOR FIRST  
 AMENDED PLAN FOR THE  
 ADJUSTMENT OF DEBTS OF CITY  
 OF STOCKTON, CALIFORNIA  
 (NOVEMBER 15, 2013) AND  
 DISCLOSURE STATEMENT WITH  
 RESPECT TO FIRST AMENDED  
 PLAN FOR THE ADJUSTMENT OF  
 DEBTS OF CITY OF STOCKTON,  
 CALIFORNIA (NOVEMBER 15, 2013)**

Date: November 18, 2013  
 Time: 1:00 p.m.  
 Judge: Hon. Christopher M. Klein

1           The City of Stockton, California (“City”), the debtor in the above-captioned case, hereby  
2 submits the table of authorities, attached hereto as Exhibit 1, for the First Amended Plan For The  
3 Adjustment Of Debts Of City Of Stockton, California (November 15, 2013) (“Plan”). The City  
4 also hereby submits the table of authorities, attached hereto as Exhibit 2, for the Disclosure  
5 Statement With Respect To First Amended Plan For The Adjustment Of Debts Of City Of  
6 Stockton, California (November 15 2013) (“Disclosure Statement”). Given the timing challenges  
7 raised by the negotiation, preparation, and filing of the Plan and Disclosure Statement, the City  
8 was unable to complete the table of authorities for each document before serving and filing them  
9 on the evening of November 15, 2013. The City will provide copies of each table of authorities at  
10 the hearing on the Disclosure Statement on November 18, 2013, and will incorporate them into  
11 the plan packages ultimately sent to its creditors.

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Dated: November 18, 2013

Orrick, Herrington & Sutcliffe LLP

By:                   /s/ Marc A. Levinson                    
MARC A. LEVINSON  
Attorneys for Debtor  
City of Stockton

# Exhibit 1

The draft disclosure statement accompanying this draft plan of adjustment has not been approved by the Bankruptcy Court. The distribution of the draft disclosure statement and of this draft plan is not intended as, and should not be construed to be, the solicitation of a vote on this draft plan or on any other plan.

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# Exhibit 2

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 25 *Stockton, California*, March 7, 2013, <http://www.stocktongov.com/files/Council>  
 26 [Agenda\\_2013\\_4\\_02\\_item\\_15\\_01\\_MarshallPlan.pdf](http://www.stocktongov.com/files/Council) ..... 18  
 27 Government Finance Officers Association, “Best Practice: Appropriate Level of Unrestricted  
 28 Fund Balance in General Fund (2002, 2009),”  
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