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

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

Case No. 12-32118
 Chapter 9
 Adv. No. 2013-02315

16 WELLS FARGO BANK, NATIONAL
 17 ASSOCIATION, FRANKLIN HIGH
 18 YIELD TAX-FREE INCOME FUND,
 AND FRANKLIN CALIFORNIA
 19 HIGH YIELD MUNICIPAL FUND,

20 Plaintiffs,

21 v.

22 CITY OF STOCKTON, CALIFORNIA,
 23 Defendant.

**CITY OF STOCKTON'S
 OBJECTIONS TO FRANKLIN'S
 AMENDED PRELIMINARY
 EXHIBIT LIST**

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

1 Pursuant to paragraph 44 of the Order Governing The Disclosure And Use Of Discovery
2 Information And Scheduling Dates, Etc. [Dkt. Nos. 1224 (Case), 16 (Proceeding)] (“Scheduling
3 Order”), as amended by the Order Modifying Order Governing The Disclosure And Use Of
4 Discovery Information And Scheduling Dates, Etc. [Dkt. Nos. 1242 (Case), 18 (Proceeding)]
5 (“Modifying Order”, and collectively, the “Orders”), the City of Stockton, California (the “City”),
6 the debtor and defendant in the above-captioned case and adversary proceeding, hereby submits
7 its objections to the Amended Preliminary Exhibit List of Franklin High Yield Tax-Free Income
8 Fund and Franklin California High Yield Municipal Fund (collectively, “Franklin”) for Trial in
9 Adversary Proceeding and Evidentiary Hearing Regarding Confirmation of Proposed Plan of
10 Adjustment.

11 The City and Franklin exchanged objections to exhibits on April 25, 2014, in accordance
12 with the Orders. Objections to exhibits were required to be served, and not filed.¹ Modifying
13 Order ¶ 15. The parties also exchanged, but did not file, responses to objections to exhibits on
14 May 6, 2014. *Id.* The City’s initial set of exhibit objections included objections to 104 of
15 Franklin’s listed exhibits. After further consideration of its objections, and with the goal of
16 expediting and streamlining the evidentiary hearings, the City has decided to limit its objections
17 to the exhibits described below, each of which present confidentiality and authentication issues,
18 among others. The City now submits these objections to the Court so that they can be resolved at
19 the hearing on objections to evidence on Monday, May 12, 2014.

20 The City notes that Franklin has included in its Amended Preliminary Exhibit List
21 numerous documents produced by the City and stamped as “Confidential” pursuant to the Orders.
22 The City generally objects to each of these exhibits on the grounds that Franklin has failed to
23 follow the procedure laid out in paragraph 14 of the Order Governing The Disclosure And Use Of
24 Discovery Information And Scheduling Dates, Etc. [Dkt. Nos. 1224 (Case), 16 (Proceeding)]
25 regarding documents marked “Confidential.” Further, the City specifically reasserts the
26 confidentiality of Exhibits 2774, 2775, 2776, 2777, 2778, and 2817.

27 _____
28 ¹ While Franklin did not file its objections to exhibits, those objections largely incorporated by reference other
objections and motions *in limine* that were filed on April 25.

1 The City's objections not covered by the above follow:

Trial Ex.	Bates Depo Ex. Docket	Date	Description	Basis for Objection	Franklin's Response
2095	FRK-FC0000003	--	2013 Foreclosures Study with City Breakdown	Lacks foundation to be admitted as direct testimony. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 802. Not authenticated. Fed. R. Evid. 901.	Fed. R. Evid. 602 applies only to testimonial evidence. See 31 Fed. Pract. & Proc. Evid. § 7103 (1st ed.) ("Rule 602 applies only to testimonial evidence.") This exhibit is admissible as nonhearsay or pursuant to an exception to the prohibition against the admission of hearsay. The stated authenticity objection will be resolved through testimony at trial.
2113	FRK-FC0000114	--	Spreadsheet: CPI Average increase over 20 years	Lacks foundation to be admitted as direct testimony. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 802. Not authenticated. Fed. R. Evid. 901.	Fed. R. Evid. 602 applies only to testimonial evidence. See 31 Fed. Pract. & Proc. Evid. § 7103 (1st ed.) ("Rule 602 applies only to testimonial evidence.") This exhibit is admissible as nonhearsay or pursuant to an exception to the prohibition against the admission of hearsay. The stated authenticity objection will be resolved through testimony at trial.
2368	FRK-FC000594	--	Land Sales Comparables	Irrelevant. Fed. R. Evid. 402. Lacks foundation to be admitted as direct testimony. Fed. R. Evid. 602. Hearsay. Fed. R. Evid.	Based on, among other things, Franklin's briefs filed in connection with the Hearing and/or the Trial, this exhibit has a tendency to make a fact at issue in the Case and/or the Proceeding more or less probable

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				802. Not authenticated. Fed. R. Evid. 901.	than it would be without the evidence. FED. R. EVID. 401. Fed. R. Evid. 602 applies only to testimonial evidence. See 31 Fed. Pract. & Proc. Evid. § 7103 (1st ed.) (“Rule 602 applies only to testimonial evidence.”). This exhibit is admissible as nonhearsay or pursuant to an exception to the prohibition against the admission of hearsay. The stated authenticity objection will be resolved through testimony at trial.
2477	FRK-FC0002557	--	Stockton Market Sales Analysis Industrial and Retail	Lacks foundation to be admitted as direct testimony. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 802. Not authenticated. Fed. R. Evid. 901.	Fed. R. Evid. 602 applies only to testimonial evidence. See 31 Fed. Pract. & Proc. Evid. § 7103 (1st ed.) (“Rule 602 applies only to testimonial evidence.”). This exhibit is admissible as nonhearsay or pursuant to an exception to the prohibition against the admission of hearsay. The stated authenticity objection will be resolved through testimony at trial.
2494	FRK-FC0002728	--	Spreadsheet: Annual Outlook for Stockton January 2014 Forecast	Lacks foundation to be admitted as direct testimony. Fed. R. Evid. 602. Hearsay. Fed. R. Evid. 802. Not authenticated. Fed. R. Evid. 901.	Fed. R. Evid. 602 applies only to testimonial evidence. See 31 Fed. Pract. & Proc. Evid. § 7103 (1st ed.) (“Rule 602 applies only to testimonial evidence.”). This exhibit is admissible as

1					nonhearsay or pursuant to an exception to the prohibition against the admission of hearsay.
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4					The stated authenticity objection will be resolved through testimony at trial.
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Dated: May 8, 2014

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Patrick B. Bocash
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 City of Stockton, California