

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROBERT TESTA

Plaintiff,

v.

LAWRENCE BECKER,
as Plan Administrator of the Xerox
Corporation Retirement Income
Guarantee Plan, an employee
Pension Benefit Plan, et al.

Defendants.

**DECLARATION OF ROBERT TESTA
IN SUPPORT OF PLAINTIFF'S
BRIEF IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT.**

10-06229(L)

I, Robert Testa, declare under penalty of perjury under the laws of the United States of America as follows:


1. I make the following declaration based upon my personal and firsthand knowledge, and if called and sworn as a witness, I could testify competently as to each fact set forth herein.
2. I was employed by Xerox Corporation from April 24, 1972 through May 12, 1977 and again from October 5, 1977 through February 1, 1983. During that period, I was a participant in the Xerox Corporation Profit Sharing Plan (the "PSP" and in the Xerox Corporation Retirement Income Guarantee Plan (the "RIGP").
3. I left the employment of Xerox on or about February 1, 1983. At that time, I

received a distribution from the PSP in the amount of approximately \$25,000. I did not receive any distribution from the RIGP.

4. My average monthly compensation from Xerox for the last 60 months of my employment there leading up to February 1, 1983 was approximately \$3,800.
5. I resumed employment with Xerox on July 8, 1985. I was not at any time given an opportunity to pay the 1983 Distribution or any part of it back to the PSP or to the RIGP.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16TH day of June, 2016, at Las Vegas, Nevada


Robert Testa