



5

1 MARC A. LEVINSON (STATE BAR NO. 57613)
malevinson@orrick.com
2 NORMAN C. HILE (STATE BAR NO. 57299)
nhile@orrick.com
3 JOHN W. KILLEEN (STATE BAR NO. 258395)
jkillen@orrick.com
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capitol Mall, Suite 3000
5 Sacramento, California 95814-4497
Telephone: (916) 447-9200
6 Facsimile: (916) 329-4900

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
DC No. OHS-2
Chapter 9

16 **DECLARATION OF MARC A.**
17 **LEVINSON IN SUPPORT OF MOTION**
18 **FOR ORDER SHORTENING NOTICE**
19 **ON THREE EMERGENCY MOTIONS**

20 Date: Friday, July 6, 2012
21 Time: 10:00 a.m.
22 Place: United States Courthouse
Dept. A, Courtroom 28
501 I Street, Sacramento

23 I, Marc A. Levinson, hereby declare:

24 I am an attorney licensed to practice law in all California state and federal courts, and am
25 a partner with the firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for the City of
26 Stockton, California, in this chapter 9 case.

27 Attached hereto as Exhibit "A" is a true and correct copy of an email memorandum that I
28

Exhibit A

Killeen, John W.

From: Levinson, Marc A.
Sent: Friday, June 29, 2012 9:33 PM
To: Antonia.Darling@usdoj.gov; Bob.Deis@stocktongov.com;
 John.Luebberke@stocktongov.com; BetteJean.McCole@unionbank.com;
 RKaplan@jmbm.com; NDeLancie@jmbm.com; gavin.wilkinson@wellsfargo.com;
 lucinda.hurska-claey@wellsfargo.com; wkannel@mintz.com; rmoche@mintz.com;
 jim.barry@dexia-us.com; david.bernstein@dexia-us.com; Neil Rust;
 rkampfner@whitecase.com; john.jordan@nationalpfg.com; llarose@winston.com;
 rlapping@winston.com; strum@winston.com; matthew.cohn@optinuityar.com;
 gary.saunders@optinuityar.com; hhorn@assuredguaranty.com;
 klyons@assuredguaranty.com; tworkman@assuredguaranty.com; Eric D. Tashman;
 jbjork@sidley.com; gina_ratto@calpers.ca.gov; rmcwhorter@nossamen.com; dee@goyette-
 assoc.com; deecon45@aol.com; swim@goyette-assoc.com; aland3370@aol.com;
 dave@mastagni.com; davidm@mastagni.com; cplatten@wmpriaw.com;
 mrenner@wmpriaw.com; kim@goyette-assoc.com; joerose@joeroselaw.com;
 jsantella@oe3.org; meggener@oe3.org; dwane.milnes@sbcglobal.net;
 sfelderstein@ffwplaw.com; jrrios@ffwplaw.com; mgowdy@frk.com; jjohnston@jonesday.com;
 matthew.troy@usdoj.gov; patsamsell@patsamsell.com; hiltonwilliams@paulhastings.com;
 tomcounts@paulhastings.com; kburrows@crla.org; dcollins@pilpca.org;
 smartinez@wclp.org; shaffner@wclp.org; solson@seyfarth.com; jdejonker@seyfarth.com;
 mgardener@mintz.com; awalker@mintz.com; jdavis@mintz.com; aobrient@mintz.com;
 sfelderstein@ffwplaw.com; donna@parkinsonphinney.com; tom@parkinsonphinney.com;
 jrrios@ffwplaw.com
Cc: Killeen, John W.
Subject: City of Stockton - Notice re hearings on Friday, July 6th, at 10:00 a.m.

In my email last night to virtually all of you (under cover of which I forwarded the City of Stockton's chapter 9 petition), I wrote that today the City would be filing three sets of motions, which I described briefly, and that we hoped to set them for hearing on Friday, July 6 or Monday, July 9. Earlier this evening, my secretary, Betty Ramirez, served you with three sets of pleadings in the Stockton case (No. 2012-32118). The first, sent at 6:35 p.m., forwarded the following two pleadings filed under Docket Control No. OHS-2:

1. Emergency Motion for Entry of An Order (1) Directing And Approving Form of Notice; and (2) Setting Deadline for Filing Objections to Petition; and
2. Order Directing and Approving Form of Notice and Setting Deadline for Filing Objections to the City of Stockton, California's Petition.

The second email, sent at 6:42 p.m., forwarded the following three pleadings filed under Docket Control No. OHS-3:

1. EMERGENCY MOTION FOR AN ORDER PURSUANT TO 11 U.S.C. §§ 102 AND 105(a) AND BANKRUPTCY RULES 2002(m) AND 9007 LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE TO CERTAIN PARTIES;
2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEBTOR'S EMERGENCY MOTION FOR AN ORDER PURSUANT TO 11 U.S.C. §§ 102 AND 105(a) AND BANKRUPTCY RULES 2002(m) AND 9007 LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE TO CERTAIN PARTIES; AND
3. ORDER GRANTING DEBTOR'S EMERGENCY MOTION FOR AN ORDER PURSUANT TO 11 U.S.C. §§ 102 AND 105(a) AND BANKRUPTCY RULES 2002(m) AND 9007 LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE TO CERTAIN PARTIES.

The third email, sent at 9:19 p.m., forwarded the following two pleadings filed under Docket Control No. OHS-4:

1. City of Stockton's Emergency Motion For Leave To Introduce Evidence Relating To Neutral Evaluation Process Under Government Code Section 53760.3(q);
2. Declaration of Marc A. Levinson In Support Of Emergency Motion For Leave To Introduce Evidence Relating To Neutral Evaluation Process Under Government Code Section 53760.3(q); and
3. Order Granting Emergency Motion For Leave To Introduce Evidence Relating To Neutral Evaluation Process Under Government Code Section 53760.3(q).

Each of the foregoing shows that the hearing thereon will be conducted at 10:00 a.m. on Friday, July 6th, in Department A, Courtroom 28, at the United States Courthouse in Sacramento. None mentions the judge who will conduct the hearings. That's because the City has not received any notice about which judge Chief Judge Kozinski has appointed or will appoint to hear the Stockton case pursuant to Bankruptcy Code section 921(b). The July 6 hearing was scheduled based on my conversations with the Clerk of the Court, who spoke to one or more of the Eastern District Judges. On Monday, July 2, the City will file applications to shorten notice and proposed orders. Formal notice of the hearings will be sent to you once a judge has approved them. Naturally, if the judge declines to shorten time or schedules another time/date, the City will notify you immediately. Please note that under Local Rule 9014-1(f)(3), no written opposition is required for matters heard on shortened time.

Marc Levinson