

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re: ) Case No. 12-32118-C-9  
)  
CITY OF STOCKTON, CALIFORNIA, )  
)  
)  
Debtor(s). )  
\_\_\_\_\_ )

ORDER OVERRULING OBJECTION TO CONFIRMATION  
OF PLAN OF ADJUSTMENT

Findings of fact and conclusions of law having been stated orally on the record in which this court chronicled the history of the condemnation and inverse condemnation actions that formed the basis of Michael Cobb's claims and noting that the decision of the California Court of Appeal regarding statute of limitations for the inverse condemnation action filed in 2007 by Michael Cobb (Cobb v. City of Stockton, 192 Cal. App. 4th 65, 120 Cal. Rptr. 3d 389, Cal. App. 3 Dist., January 26, 2011), dealt with only a narrow statute of limitations question that did not foreclose such other defenses as laches against Michael Cobb for having done nothing to pursue his claim for greater compensation, which was all that remained (pursuant to California Code of Civil Procedure § 1255.260) after he withdrew in November 2000 the \$90,200 that the City had deposited in the state treasury as probable compensation, and that continues to restrict his remedies even after the initial condemnation action was dismissed

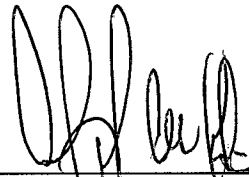
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1 in 2007 on account of inaction (the majority of which inaction is  
2 ascribed to Michael Cobb who had the burden of going forward  
3 after withdrawing the deposit) and for the other reasons  
4 explained on the record,

5 IT IS ORDERED that the objection of Michael Cobb to  
6 confirmation of the pending plan of adjustment filed by the City  
7 of Stockton on account of his treatment as an unsecured creditor  
8 is OVERRULED.

9 Dated: May 7, 2014.



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11 UNITED STATES BANKRUPTCY JUDGE  
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**INSTRUCTIONS TO CLERK OF COURT  
SERVICE LIST**

The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties:

Marc A. Levinson  
400 Capitol Mall #3000  
Sacramento CA 95814-4407

Bradford J. Dozier  
305 N El Dorado #301  
Stockton CA 95202-2306