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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
 D.C. No. OHS-14
 Chapter 9

**DECLARATION OF PATRICK B.
 BOCASH IN SUPPORT OF CITY'S
 MOTION TO COMPEL PRODUCTION
 OF DOCUMENTS BY SEVENTH
 INNING STRETCH, LLC PURSUANT
 TO RULE 2004 SUBPOENA**

Date: October 28, 2013
 Time: 10:00 a.m.
 Dept: Courtroom 35
 Judge: Hon. Christopher M. Klein

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1 I, Patrick Bocash, hereby declare as follows:

2 1. I am an attorney licensed to practice law in California and admitted to practice
3 before the United States District Court for the Eastern District of California. I am an associate
4 with the firm of Orrick, Herrington & Sutcliffe LLP, counsel of record for the City of Stockton,
5 California (the "City"), in this chapter 9 case. I make this declaration in support of the City's
6 Motion To Compel Production Of Documents By Seventh Inning Stretch, LLC Pursuant To Rule
7 2004 Subpoena. I have personal knowledge of the matters stated herein and if called as a witness,
8 I could and would testify as follows.

9 2. On October 8, 2013, I received an email from Philip Rhodes ("Rhodes"), counsel
10 for Seventh Inning Stretch, LLC ("SIS"), under cover of which was a set of Objections To
11 Subpoena For Rule 2004 Examination ("Objections"). A true and correct copy of the Objections
12 is attached hereto as Exhibit 1.

13 3. On October 15, 2010, Marc Levinson ("Levinson"), lead bankruptcy counsel for
14 the City, asked me to contact Rhodes in response to an email sent by him to Levinson earlier that
15 day. I called Rhodes that afternoon. During that call, I explained, in response to his inquiry, that
16 the City required the documents requested in its Subpoena For Rule 2004 Examination
17 ("Subpoena") in order to make an informed decision regarding how to treat SIS in a plan of
18 adjustment. I further stated that the City needed to ensure that it would not be providing a
19 disproportionate subsidy to an entity that might already be turning a healthy profit. At the end of
20 the call, I advised Rhodes that because the deadline for production of documents pursuant to the
21 Subpoena had passed, the City would be forced to move forward with a motion to compel if SIS
22 was not going to produce the documents within the next two days. Rhodes told me that he would
23 speak to his client.

24 Executed this 18th day of October 2013, at Sacramento, California. I declare under
25 penalty of perjury under the laws of the State of California and the United States of America that
26 the foregoing is true and correct.

27 */s/ Patrick B. Bocash*
28 _____
Patrick B. Bocash

Exhibit 1

1 Philip J. Rhodes, SBN 161537
2 PHIL RHODES LAW CORPORATION
3 P.O. Box 2911
4 Fair Oaks, CA 95628
(916) 295-1222
(916) 720-0403 fax
pjrhodes@philrhodeslaw.com

5 Attorney for Seventh Inning Stretch, LLC

6
7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA
9

10 In re:

Case No. 12-32118

11 CITY OF STOCKTON, CA ,
12 Debtors.
13

**OBJECTIONS TO SUBPOENA FOR RULE
2004 EXAMINATION**

14 Date: October 14, 2013
15 Time: 10:00 a.m.
16 Place: Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
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18 PLEASE TAKE NOTICE that Creditor Seventh Inning Stretch, LLC, hereby objects to the
19 requests for production of certain documents set forth in the subpoena directed to it dated September
20 13, 2013, for production on the date and time set forth above as follows:
21

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

23 Objection. The request for “All Detailed Internal Operating Revenue/Expense Statements for the Ports
24 for the past 5 years (2008-2012)” does not relate to a matter which may affect the administration of the
25 debtor’s estate. The request is not likely to lead to the discovery of evidence related to the parties’
26 performance of the subject agreement. Furthermore, the request seeks confidential and proprietary
27 financial information, which would provide the debtor an unfair advantage in the parties’ negotiations
28 over the executory contract between the parties.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

2 Objection. The request for “All Detailed Internal Operating Revenue/Expense Statement regarding
3 Your use of the Stadium under the Agreement for the past 5 years (2008-2012)” does not relate to a
4 matter which may affect the administration of the debtor’s estate. The request is not likely to lead to
5 the discovery of evidence related to the parties’ performance of the subject agreement. Furthermore,
6 the request seeks confidential and proprietary financial information, which would provide the debtor an
7 unfair advantage in the parties’ negotiations over the executory contract between the parties.

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9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

10 Objection. The request for “All Audited Financial Statements for the Ports for the past 5 years (2008-
11 2012)” does not relate to a matter which may affect the administration of the debtor’s estate. The
12 request is not likely to lead to the discovery of evidence related to the parties’ performance of the
13 subject agreement. Furthermore, the request seeks confidential and proprietary financial information,
14 which would provide the debtor an unfair advantage in the parties’ negotiations over the executory
15 contract between the parties.

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17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

18 Objection. The request for “All Audited Financial Statements regarding Your use of the Stadium
19 under the Agreement for the past 5 years (2008-2012)” does not relate to a matter which may affect the
20 administration of the debtor’s estate. The request is not likely to lead to the discovery of evidence
21 related to the parties’ performance of the subject agreement. Furthermore, the request seeks
22 confidential and proprietary financial information, which would provide the debtor an unfair advantage
23 in the parties’ negotiations over the executory contract between the parties.

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25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

26 Objection. The request for “All League Standard Financial Reports for the Ports for the past 5 years
27 (2008-2012)” does not relate to a matter which may affect the administration of the debtor’s estate.
28 The request is not likely to lead to the discovery of evidence related to the parties’ performance of the

1 subject agreement. Furthermore, the request seeks confidential and proprietary financial information,
2 which would provide the debtor an unfair advantage in the parties' negotiations over the executory
3 contract between the parties.

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5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

6 Objection. The request for "All Current Year Budgets and Projections for the Ports" does not relate to
7 a matter which may affect the administration of the debtor's estate. The request is not likely to lead to
8 the discovery of evidence related to the parties' performance of the subject agreement. Furthermore,
9 the request seeks confidential and proprietary financial information, which would provide the debtor an
10 unfair advantage in the parties' negotiations over the executory contract between the parties.

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12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

13 Objection. The request for "All Detailed Current Year Budgets and Projections regarding Your use of
14 the Stadium under the Agreement" does not relate to a matter which may affect the administration of
15 the debtor's estate. The request is not likely to lead to the discovery of evidence related to the parties'
16 performance of the subject agreement. Furthermore, the request seeks confidential and proprietary
17 financial information, which would provide the debtor an unfair advantage in the parties' negotiations
18 over the executory contract between the parties.

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20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

21 Objection. The request for "All historical event information for Your events held at the Stadium,
22 including the total number of home games played, the total and average paid attendance, the total and
23 average turnstile attendance, and average ticket prices)" does not relate to a matter which may affect
24 the administration of the debtor's estate. The request is not likely to lead to the discovery of evidence
25 related to the parties' performance of the subject agreement. Furthermore, the request seeks
26 confidential and proprietary financial information, which would provide the debtor an unfair advantage
27 in the parties' negotiations over the executory contract between the parties. The request is also vague
28 and overbroad in that it requests "all historical event information." The request is unduly burdensome

1 in its request for the number of home games played, total and average paid attendance, and total and
2 average ticket prices are already within the requesting party's knowledge or with the requesting party's
3 ability to easily perform the mathematical calculations to derive the requested information. The
4 request seeks proprietary and confidential information in its request for "total and average turnstile
5 attendance."

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7 PHIL RHODES LAW CORPORATION

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9 Dated: October 8, 2013

10 /s/ Philip J. Rhodes
11 PHILIP J. RHODES
12 Attorney for Seventh Inning Stretch, LLC
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PROOF OF SERVICE

I am employed in the County of Sacramento, State of California. I am over the age of 18 years and not a party to the above-captioned matter. My business address is P.O. Box 2911, Fair Oaks, California, 95628.

On this date, I served the foregoing document described as:

OBJECTIONS TO SUBPOENA FOR RULE 2004 EXAMINATION

on the parties by placing a true copy thereof in a sealed envelope and served same on the parties/counsel, addressed as follows:

Marc Levinson
Patrick Bocash
pbocash@orrick.com

The following is the procedure in which service of this document was effected:

(BY REGULAR MAIL) by placing envelope(s) with postage prepaid in the designated area for outgoing mail in accordance with this office's practice to deposit mail in a U.S. mailbox in the Fair Oaks, California area after the close of the day's business.

XXX (BY EMAIL) by attaching the document in Adobe Portable Document Format to the regular email address(es) utilized by the party set forth and transmitting the email in accordance with this office's practice for regular email communication.

(BY FEDERAL EXPRESS) by envelope(s) prepaid in the designated area for outgoing overnight delivery in accordance with this office's practice to deposit overnight delivery in a Federal Express box or pickup station in the Fair Oaks, California area after the close of the day's business.

(BY FACSIMILE TRANSMITTAL) by placing a true copy thereof into a facsimile machine addressed to the person, address and telephone number shown above.

(BY PERSONAL SERVICE) by delivering by hand and leaving a true copy with the person and/or secretary at the address shown above.

I declare under penalty of perjury that this declaration is true and correct and that I executed this document on October 8, 2013, at Fair Oaks, California.

/s/ Philip Rhodes
PHILIP J. RHODES