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11 Attorneys for Debtor and Defendant  
 City of Stockton, California

13 UNITED STATES BANKRUPTCY COURT  
 14 EASTERN DISTRICT OF CALIFORNIA  
 15 SACRAMENTO DIVISION

17 In re:  
 18 CITY OF STOCKTON, CALIFORNIA,  
 19 Debtor.

Case No. 12-32118  
 Chapter 9  
 Adv. No. 2013-02315  
 OHS-1

20 WELLS FARGO BANK NATIONAL  
 21 ASSOCIATION, FRANKLIN HIGH  
 22 YIELD TAX-FREE INCOME FUND,  
 AND FRANKLIN CALIFORNIA  
 23 HIGH YIELD MUNICIPAL FUND,

Plaintiffs,

v.

24 CITY OF STOCKTON, CALIFORNIA,  
 25  
 26 Defendant.

**[AMENDED] MOTION TO SHORTEN  
 NOTICE ON DEFENDANT CITY OF  
 STOCKTON'S MOTION FOR  
 JUDGMENT TO BE ENTERED IN  
 FAVOR OF PLAINTIFFS**

Date: April 7, 2014  
 Time: 1:30 p.m.  
 Dept: Courtroom 35  
 Judge: Hon. Christopher Klein

1 The City of Stockton, California (the “City”), the debtor and the defendant in the above-  
2 captioned case and adversary proceeding, respectively, moves (by this “Amended Motion”) for  
3 entry of an order shortening the notice period for the hearing on the Defendant City Of Stockton’s  
4 Motion For Judgment To Be Entered In Favor Of Plaintiffs (the “Motion for Judgment”).  
5 Pursuant to Local Rules 9014-1(f)(1) and 9014-1(f)(3), the Court can, for good cause shown,  
6 order that the amount of notice for a hearing be shortened. The City respectfully represents that  
7 good cause exists to shorten notice of the hearing on the Motion for Judgment from 28 days to 11  
8 days.<sup>1</sup>

9 At a status conference on March 19, 2014, the Court set further status conferences on  
10 April 7, 2014 1:30 p.m. and on April 28, 2014 1:30 p.m. Of the Court’s available hearing dates  
11 before the start of the trial and confirmation hearing on May 12, 2014, these were the only dates  
12 that appeared to work for the parties to the adversary proceeding.

13 The Motion for Judgment asks that the Court enter an order dispensing with the major  
14 issues in the adversary proceeding and directing entry of a judgment in favor of plaintiffs and  
15 against the City in the form, content and manner described in the Motion for Judgment. In so  
16 doing, it seeks a prompt resolution of this litigation by eliminating an issue that the City chooses  
17 not to contest. If granted, the relief sought by the Motion for Judgment will expedite the  
18 confirmation hearing and greatly reduce, if not eliminate, the need for further briefing on the  
19 issues raised in the adversary proceeding. However, many of the benefits of expediting  
20 preparations for the confirmation trial would be lost if the Motion for Judgment is not heard until  
21 April 28, only two weeks before the trial and confirmation hearing. The City therefore seeks to  
22 have the Motion for Judgment heard on April 7, the only other date available for a hearing prior  
23 to the start of trial.

24 The plaintiffs would not be prejudiced if the Amended Motion were granted and the  
25 notice of the hearing on the Motion for Judgment were shortened such that it can be heard on the  
26 previously-scheduled April 7 hearing date. Plaintiffs still will have 11 days to evaluate the relief

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27 <sup>1</sup> The City’s Motion To Shorten Notice On Defendant City Of Stockton’s Motion For Judgment To Be Entered In  
28 Favor Of Plaintiff’s was filed and served, along with its accompanying notice, on March 27, 2014.

1 sought by the Motion for Judgment. Their evaluation should take much shorter than that, given  
2 that the Motion for Judgment cites no case law and merely seeks to give plaintiffs the relief that  
3 they have requested in their complaint in the adversary proceeding. Moreover, should the Motion  
4 for Judgment be granted on April 7, the issues to be decided at confirmation will be significantly  
5 narrowed a month prior to the confirmation hearing, permitting all parties to the contested  
6 confirmation to more efficiently focus on the remaining unresolved issues.

7 For the foregoing reasons, the City believes that cause exists to grant the City an order  
8 shortening the notice period on the Motion for Judgment such that the Motion for Judgment will  
9 be heard on April 7, 2014, at 1:30 p.m.

10  
11 Dated: March 31, 2014

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14 By:                                 /s/ Marc A. Levinson                                  
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                                City of Stockton, California