

1 Ron M. Oliner (SBN: 152373)
2 Geoffrey A. Heaton (SBN: 206990)
3 **DUANE MORRIS LLP**
4 One Market Plaza
5 Spear Street Tower, Suite 2200
6 San Francisco, CA 94105-1127
7 Telephone: (415) 957-3000
8 Facsimile: (415) 957-3001
9 Email: roliner@duanemorris.com

10 Attorneys for PRESTON PIPELINES, INC.

11 **UNITED STATES BANKRUPTCY COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **SACRAMENTO DIVISION**

14 In re
15 CITY OF STOCKTON, CALIFORNIA,
16 Debtor.

17 Case No. 12-32118-C-9
18 Chapter 9
19 Docket Control No. DM-1
20 Date: August 20, 2013
21 Time: 9:30 a.m.
22 Place: 501 I Street, Courtroom 35
23 Sacramento, CA 95814
24 Judge: The Honorable Christopher M. Klein

25 **MOTION FOR RELIEF FROM THE**
26 **AUTOMATIC STAY BY PRESTON PIPELINES, INC.**

27 Preston Pipelines, Inc. (“PPI”) hereby moves for relief from the automatic stay under 11
28 U.S.C. §§ 362(d)(1) and 922(a) to (i) file suit against debtor City of Stockton, California (the
“City”) in San Joaquin County Superior Court for breach of contract and other claims related to
PPI’s construction of the Delta Water Supply Project Intake and Pump Station Facility (“Pump
Station”), and (ii) once PPI’s claims against the City (and other non-debtor parties) are fully
liquidated, to recover on its claims from funds in the City’s Delta Water Supply Project Account,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

a restricted use fund containing the proceeds of bonds issued to finance PPI’s construction of the Pump Station, among other components of the City’s Delta Water Supply Project.

The grounds upon which PPI seeks relief from stay are described with particularity in the Memorandum of Points and Authorities filed herewith.

Dated: July 18, 2013

DUANE MORRIS LLP

By: /s/ Ron M. Oliner (152373)
 RON M. OLINER
 Attorneys for Preston Pipelines, Inc.