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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. BB-001
Chapter 9

**ORDER APPROVING STIPULATION
BETWEEN THE CITY OF STOCKTON
AND THE COALITION FOR A
SUSTAINABLE DELTA AND OTHER
PARTIES FOR LIMITED RELIEF
FROM THE AUTOMATIC STAY**

Date: July 1, 2014
Time: 9:30 a.m.
Dept: Courtroom 35
Judge: Hon. Christopher M. Klein

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23 The Court has considered (a) the Motion of the Coalition for a Sustainable Delta and
24 Other Parties for Limited Relief from Automatic Stay Pursuant to 11 U.S.C. § 362(d)(1)
25 (“Motion”) filed June 12, 2014 [Dkt. No. 1576], by the Coalition for a Sustainable Delta,
26 Belridge Water Storage District, Berrenda Mesa Water District, Cawelo Water District, North of
27 the River Municipal Water District, Wheeler Ridge-Maricopa Water Storage District, and Dee
28 Dillon (collectively, “Movants”); (b) the pleadings and declaration filed in support of the Motion;

RECEIVED
June 30, 2014
CLERK, U. S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
0005252841

ORDER GRANTING RELIEF
FROM AUTOMATIC STAY

1 and (c) the Stipulation Between the City and the Movants for Limited Relief from the Automatic
2 Stay filed June 30, 2014 (“Stipulation”).

3 The Court has determined that (a) the relief agreed upon in the Stipulation is proper under
4 the circumstances such that the Stipulation should be approved; and (b) the Motion was sufficient
5 to afford reasonable notice of the material provisions of the Stipulation and opportunity for a
6 hearing, such that the procedures prescribed in Federal Rule of Bankruptcy Procedure (“Rule”)
7 4001(d)(1), (2) and (3) shall not apply and the Stipulation may be approved without further notice
8 or hearing.

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation is approved in its
10 entirety.

11 IT IS FURTHER ORDERED that relief from the automatic stay is hereby granted as
12 follows:

- 13 a. The automatic stay is terminated in its entirety with respect to, and as to all
14 parties to, to the case, pending in the United States District Court for the
15 Eastern District of California (“District Court”), titled *Coalition for a*
16 *Sustainable Delta, et al. v. City of Stockton, and County of San Joaquin*,
17 Case No. 2:09-CV-00466-JAM-KJN (“District Court Action”) effective on
18 August 29, 2014, if not sooner terminated on the effective date of a plan of
19 adjustment.
- 20 b. The termination of the automatic stay will enable Movants to pursue the
21 District Court Action to judgment, but not to enforce any “claims,” as such
22 term is defined in 11 U.S.C. § 101(5), that are subject to treatment in a
23 confirmed plan of adjustment (the “Claims”).
- 24 c. Any Claims adjudicated in the District Court Action shall be subject to the
25 treatment of claims in the bankruptcy case, including through a confirmed
26 plan of adjustment.

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- d. Movants will file a partial summary judgment motion before engaging in other discovery with respect to the remainder of the Clean Water Act and Endangered Species Act claims in the District Court Action.
- e. Except for the partial summary judgment motion described in subsection d. hereof, and subject to the approval of the District Court, Movants will agree to a reasonable period for mediation following the partial summary judgment ruling before engaging in extensive additional discovery in the District Court Action.

IT IS FURTHER ORDERED that notwithstanding anything contained in Rule 4001(a)(3), this order shall be effective upon its entry on the docket, and the 14-day stay contemplated by Rule 4001(a)(3) shall not apply. If any provision of this order is later modified, vacated or stayed by subsequent order of this or any other Court for any reason, such modification, vacation or stay shall not affect the validity of any action taken pursuant to this order prior to the later of (a) the effective date of such modification, vacation or stay, or (b) the entry of the order pursuant to which such modification, vacation or stay was established.

Dated: July 02, 2014


United States Bankruptcy Judge