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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

In re:
City of Stockton, California
Debtor.
Michael A. Cobb,
Appellant,
v.
City of Stockton, California,
Appellee.

District Court Case Number
NO. 2:14-CV-01272-KJM

Bankruptcy Court Case Number
NO. 12-32118-C-9

**STIPULATION AND ORDER ON
REQUEST FOR CERTIFICATION TO
COURT OF APPEALS BY ALL
PARTIES**

Appellant Michael A. Cobb and Appellee the City of Stockton (collectively, the “Parties”), through their respective counsel, hereby stipulate to the following:

1. On June 3, 2014, the Parties jointly filed their Official Form 24 – Certification To Court Of Appeals By All Parties [Bankr. Dkt. No. 1540] (“Certification Request”) with the bankruptcy court. The Certification Request, a copy of which is attached hereto as Exhibit A, requests certification of this action to the Court of Appeals for the Ninth Circuit pursuant to 28 U.S.C. § 158(d).

2. Section 158(d)(2)(B)(ii) permits parties to a bankruptcy appeal to request certification to the court of appeals when they agree that circumstances warranting direct appeal

1 to the court of appeals are present. Upon such “request made by a majority of the appellants and
2 a majority of the appellees,” the court “shall make the certification” requested. *Id.* Certification
3 in these circumstances is required and non-discretionary.

4 3. Federal Rule of Bankruptcy Procedure 8001(f)(3)(A) provides that the parties’
5 request for certification “shall be filed . . . with the clerk of the court in which the matter is
6 pending.” For purposes of a request for certification of a bankruptcy appeal, Federal Rule of
7 Bankruptcy Procedure 8007(b) provides that a matter is pending in the bankruptcy court until the
8 record has been transmitted to the district court.

9 4. Although this action was pending in the bankruptcy court when the Parties filed
10 the Certification Request, the record on appeal has now been transmitted to this Court with no
11 action having been taken on the Certification Request. This Court is therefore now the court in
12 which the matter is pending. The bankruptcy court clerk’s Certificate Of Record To District
13 Court Re: Bankruptcy Cases [Dkt. No. 3] is attached hereto as Exhibit B.

14 5. The undersigned respectfully renew their Certification Request before this Court,
15 and request that the Court, pursuant to 28 U.S.C. § 158(d)(2)(B)(ii), and based on the information
16 set forth in the Certification Request, enter the certification to the Court of Appeals for the Ninth
17 Circuit.

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Dated: July 15, 2014

MARC A. LEVINSON
ROBERT M. LOEB
Orrick, Herrington & Sutcliffe LLP

By: /s/ Marc A. Levinson
MARC A. LEVINSON
Attorneys for Appellee
City of Stockton

Dated: July 15, 2014

BRADFORD J. DOZIER
Atherton & Dozier

By: /s/ Bradford J. Dozier (as authorized on
 July 15, 2014)
BRADFORD J. DOZIER
Attorney for Appellant
Michael A. Cobb

Based on the information set forth in the parties' certification request, and under 28 U.S.C. § 158(d)(2)(B)(ii), the court hereby certifies this action to the Court of Appeals for the Ninth Circuit.

IT IS SO ORDERED.

DATED: August 6, 2014.