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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In re:)
CITY OF STOCKTON, CALIFORNIA,)
Debtor(s).)

Case No. 12-32118-C-9
Adversary No. 12-2302

FILED 

JUL 12 2012

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

ASSOCIATION OF RETIRED EMPLOYEES)
OF THE CITY OF STOCKTON, a)
nonprofit California)
Corporation, SHELLEY GREEN,)
PATRICIA HERNANDEZ, REED HOGAN,)
GLENN E. MATTHEWS, PATRICK L.)
SAMSELL, ALFRED J. SIEBEL,)
BRENDA JO TUBBS, TERI WILLIAMS,)
on Behalf of Themselves and)
Others Similarly Situated,)

Plaintiff(s),)

v.)

CITY OF STOCKTON, CALIFORNIA,)

Defendant(s).)

ORDER SETTING HEARING AND MANDATORY BRIEFING SCHEDULE

The court has reviewed the Complaint for Declaratory and Injunctive Relief and Application for a Temporary Restraining Order and Preliminary Injunction.

The Complaint and supporting papers are conspicuous by the omission of any reference to, or discussion of, 11 U.S.C. § 904:

1 **§ 904. Limitation on jurisdiction and powers of court**

2 Notwithstanding any power of the court,
3 unless the debtor consents or the plan so
4 provides, the court may not, by any stay, order,
5 or decree, in the case or otherwise, interfere
6 with –

7 (1) any of the political or governmental
8 powers of the debtor;

9 (2) any of the property or revenues of the
10 debtor; or

11 (3) the debtor's use or enjoyment of any
12 income-producing property.

13 11 U.S.C. § 904.

14 IT IS ORDERED that the Plaintiffs shall file a brief by
15 4:00 p.m., Tuesday, July 18, 2012, explaining why any of the
16 relief sought in the complaint can be awarded, without the
17 consent of the debtor, in light of 11 U.S.C. § 904. Such brief
18 shall be served on counsel for the Defendant and debtor in the
19 parent chapter 9 case by electronic means at the time the brief
20 is filed.

21 IT IS FURTHER ORDERED that Defendant may file a responsive
22 brief by 4:00 p.m., Friday, July 20, 2012, which brief shall be
23 served on counsel for the Plaintiffs by electronic means at the
24 time the brief is filed. In such brief, Defendant shall state
25 whether it does, or does not, consent, as contemplated by 11
26 U.S.C. § 904, to the exercise by this court of jurisdiction over
27 this adversary proceeding.

28 IT IS FURTHER ORDERED that a hearing shall convene at 1:30
p.m. on Monday, July 23, 2012, before the undersigned judge in
Courtroom 35, U.S. Bankruptcy Court, 501 I Street, Sacramento,
California.

NOTICE IS HEREBY GIVEN that if this court concludes at or
after the July 23, 2012, hearing that 11 U.S.C. § 904 denies

1 jurisdiction to any court exercising authority over the chapter 9
2 case of the Defendant, then this adversary proceeding will be
3 dismissed on the court's own motion.

4 Dated: July 12, 2012.

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7 UNITED STATES BANKRUPTCY JUDGE

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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

George S. Emblidge
220 Montgomery St #2100
San Francisco CA 94104

Marc A. Levinson
400 Capitol Mall #3000
Sacramento CA 95814-4407

Dated: 7/12/12


DEPUTY CLERK