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MOTION
DEBTOR: CITY OF STOCKTON, CALIFORNIA
JUDGE: HON. C. KLEIN

~~FILED~~
AUG 27 2012
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

Ralph Lee White
2201 E. Eighth Street
Stockton, CA 95206
(209) 524-7755

FILED 8/27/12 - 12:56 PM
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION awys
RECEIPT NO: 2-12-22303 \$176.00



In Propria persona

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

Chapter 9

In Re:

CITY OF STOCKTON, CALIFORNIA

Debtor

) Case No.: 12-32118-C-9
) DC-RLW-1
)
) MOTION FOR RELIEF FROM AUTOMATIC
) STAY
)
) Hearing:
) Date: September 11, 2012
) Time: 1:30 PM
) Courtroom: 35

Movant, Ralph Lee White, an individual resident and voter of the City of Stockton, California, will move this court pursuant to 11 U.S.C Sec. 362(1) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, for an order terminating the Automatic Stay of 11 U.S.C. Sec. 362(a) as it applies to Movant.

This Motion is made on the following grounds:

1. The state court actions No. 39-2012-00281432-CU-WM-STK consolidated with No. 39-2012-0027995-CU-WM-STK filed in the Superior Court of San Joaquin County, California, sounding in mandamus, are not actions to recover money damages from the City of Stockton but rather an action to seek full judicial review as to whether a disputed provision of the Stockton City Charter imposes term limits on the current mayor of Stockton, Ann Johnston, so that she is ineligible to run for or take

1 office as mayor for an additional term, the election being set for
2 November 6, 2012.

3 2. That Movant and other residents and voters of the City of Stockton are
4 not "creditors" nor have they filed a "claim" for money as defined by
5 11 U.S.C. Sec. 101(10) and 101(5).

6 3. That the City of Stockton's apparent allegation that it is entitled to
7 the Automatic Stay based on the mere fact that if the state action is
8 allowed to proceed it will incur costs in the form of attorney's fees
9 in its defense even though the action is for mandamus seeking to obtain
10 clarification of the City charter to protect First Amendment and other
11 rights of residents, voters and current or prospective candidates for
12 public office in the City.

13 The Motion is based on the Notice of Motion and the Motion for Relief From
14 the Automatic Stay, a memorandum of points and authorities and such other
15 documentary and oral evidence which may be submitted at the hearing.

16
17 Respectfully Submitted,

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19 Dated: *8-27-2012*



20 Ralph Lee White (Movant)
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