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7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 In re:
10 CITY OF STOCKTON, CALIFORNIA,
11 Debtor.

Case No. 12-32118
DCNo. PJR-001

**APPLICATION FOR EXAMINATION
UNDER RULE 2004 OF THE CITY OF
STOCKTON, CALIFORNIA**

[No hearing required]

14 7th Inning Stretch, LLC, a party to an executor contract in this case, applies for an order permitting
15 it to conduct an examination under Federal Rule of Bankruptcy Procedure, Rule 2004, of the debtor, the
16 City of Stockton. In support of this application, the party represents:

17 1. Under an agreement between the City of Stockton and 7th Inning Stretch dated March 2, 2004,
18 7th Inning leases the downtown ball park developed by the City. The agreement predates the construction
19 of the ball park. As part of its agreement, 7th Inning prepaid \$1.2 million in rent to the City of Stockton

20 2. As part of its plan, the City will either assume or reject the executory contract between the
21 parties.

22 3. The City and 7th Inning have attempted to negotiate modified terms to the agreement to
23 provide the City sufficient incentive to assume the contract.

24 4. 7th Inning desires to examine various parties to determine the City's evaluation of the
25 executory contract and whether the City's decision to assume or reject constitutes a legitimate exercise of
26 its business judgment.

27 5. Bankruptcy Rule 2004 permits a party to examine the debtor regarding "the acts, conduct or
28 property or to the liabilities and financial condition of the debtor, or to any matter which may affect the

1 administration of the estate” Fed. R. Bank. Proc. 2004(b).

2 6. The City’s evaluation of the executory contract, and its decision to assume or reject fall
3 squarely within the permitted scope of an examination of the debtor under Rule 2004.

4 WHEREFORE, 7th Inning Stretch requests that the court issue an order permitting it to conduct
5 an examination under Rule 2004 of the Federal Rules of Bankruptcy Procedure of the City of Stockton.

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PHIL RHODES LAW CORPORATION

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Dated: October 17, 2013

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/s/ Philip J. Rhodes
PHILIP J. RHODES
Attorney for 7th Inning Stretch

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