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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. OHS-14  
 Chapter 9

**MOTION TO SHORTEN NOTICE ON  
 CITY'S MOTION TO COMPEL  
 PRODUCTION OF DOCUMENTS BY  
 SEVENTH INNING STRETCH, LLC  
 PURSUANT TO RULE 2004  
 SUBPOENA**

Date: October 28, 2013  
 Time: 10:00 a.m.  
 Dept: Courtroom 35  
 Judge: Hon. Christopher M. Klein

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1 The City of Stockton, California (the “City”), the debtor in the above-captioned case,  
2 respectfully moves (by this “Motion”) for entry of an order shortening the notice period for the  
3 hearing on the City’s Motion To Compel Production Of Documents By Seventh Inning Stretch,  
4 LLC Pursuant To Rule 2004 Subpoena (the “Motion to Compel”), which pleading the City is  
5 filing concurrently. Pursuant to Local Rule 9014-1(f)(3), the Court can, for good cause shown,  
6 order that the amount of notice for a hearing be shortened to fewer than 14 days. The City  
7 respectfully represents that good cause exists to shorten notice of the hearing on the Motion to  
8 Compel from 14 days to 10 days.

9 As detailed in the Motion to Compel, on September 12, 2013, the Court granted the City’s  
10 application for an order under Federal Rule of Bankruptcy Procedure 2004 authorizing the  
11 examination of Seventh Inning Stretch, LLC (“SIS”). On September 13, the City served its  
12 Subpoena For Rule 2004 Examination (“Subpoena”) on SIS, setting October 14, 2013 as the  
13 deadline for production of the information requested by the Subpoena. SIS did not serve its  
14 Objections To Subpoena For Rule 2004 Examination (“Objections”) on counsel for the City until  
15 October 8, 2013, 11 days after the deadline to do so. After receiving the Objections, counsel for  
16 the City attempted to contact counsel for SIS via telephone on October 11 and October 14, both  
17 times without success. On October 14, counsel for the City sent counsel for SIS an email stating  
18 the City’s position that SIS was required to produce the requested documents that day (October  
19 14). Counsel for SIS responded the next day (October 15), asking for additional explanation  
20 regarding the City’s document request and giving no indication that SIS was prepared to comply  
21 with the Subpoena.

22 The City needs the information requested by the Subpoena to decide whether to assume or  
23 reject its license agreement with SIS and how to treat SIS in a plan of adjustment. The Court’s  
24 limited availability to hear the Motion to Compel before November 18 (the next hearing date  
25 available after October 28), when combined with SIS’s delay<sup>1</sup>, constitutes good cause to shorten  
26 notice on the Motion to Compel and set an October 28 hearing. Delaying the hearing on the  
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28 <sup>1</sup> As noted in the Motion to Compel and in the supporting Laurie Montes declaration, the City has been requesting such information since August 1, 2013.

1 Motion to Compel until November 18 will further delay the development of a plan of adjustment  
2 and may prolong this chapter 9 case.

3 For the foregoing reasons, the City believes that cause exists to grant the City an order  
4 shortening the notice period on the Motion to Compel such that the Motion to Compel will be  
5 heard on October 28, 2013, at 10:00 a.m.

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Dated: October 18, 2013

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By:           /s/ Marc A. Levinson            
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