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10 **UNITED STATES BANKRUPTCY COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **SACRAMENTO DIVISION**

13 In Re:
14 **City of Stockton, California**
15 City Hall, 425 North El Dorado St., Stockton, CA 95202
16 TIN: 94-6000436

Case No.: 12-32118-C-9
DC No.: DD-01

Date: November 6, 2012
Time: 9:30 AM
Judge: Klein
Courtroom: 35; Dept. C
Place: 501 I Street, 6th Floor
Sacramento CA 95814

17 Debtor(s).
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20 **REPLY TO OPPOSITION BY CITY OF STOCKTON TO MOTION BY SALVADOR BENAVIDES,**
21 **BY AND THROUGH HIS GUARDIAN AD LITEM PATRICIA SOLTERO-MORFIN,**
22 **FOR RELIEF FROM AUTOMATIC STAY TO**
ALLOW CONTINUATION OF PRE-PETITION LITIGATION
[11 U.S.C. §§ 362; Fed. R. Bankr. P. 4001, 9014]

23 Salvador Benavides, by and through his Guardian Ad Litem Patricia Soltero-Morfin, ("Movant"),
24 a creditor of City of Stockton, California ("Debtor"), hereby replies to the opposition by Debtor to
25 motion for relief from the automatic stay to allow continuation of pre-petition litigation, and respectfully
26 represents as follows:

27 1. Movant continues to suffer harm that is exacerbated so long as the litigation is stayed. It is
28 crucial that the stay be lifted because Movant's harm is not only significant monetary harm but also,

1 Movant requires substantial medical treatment to progress in his recovery that is currently being
2 postponed because Movant has minimal resources and cannot afford such treatment.

3 2. Debtor notes that it has approximately 50 pending tort cases. Because of Debtor's bankruptcy
4 filing, these cases are stayed except to the extent the court modifies the stay. Debtor seems to treat these
5 cases as a group stating Movant's case "is only the tip of the iceberg, which can be viewed as three
6 separate groups of cases." Opposition pg 6 lines 1-2. In fact, these cases are individual cases with
7 various facts and circumstances. In Movant's case, Movant's injuries that stem from his accident, which
8 is the basis of his claim, are permanent and could become more serious without continuing proper
9 medical care. It is imperative that the facts of Movant's case be looked at individually. In considering
10 the individual facts of this case, as more particularly described in the motion, good cause exists to grant
11 relief in this case.

12 3. Debtor seems to admit that it would take a substantial number of the pending court cases to
13 continue before Debtor may need to take further action stating, "should any substantial number of the
14 stayed cases be permitted to proceed, the City will have to choose between one of two grave
15 alternatives." Opposition pg 6 lines 12-14. As noted in the motion, modification of the stay is done on
16 a case by case basis. Therefore, there is no threat to Debtor that modification of the stay in this case will
17 cause a flood of litigation of the remaining pending tort cases against Debtor.

18 4. In weighing the effect of lifting the automatic stay, it is clear that while Debtor may be
19 inconvenienced by lifting the stay, Movant will suffer continuing monetary and physical harm that may
20 be irreversible. Movant's situation is very unique with very serious consequences regarding essential
21 medical treatment that is needed now. Therefore, because good cause exists, the court should grant relief
22 from the automatic stay.

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24 Dated: October 30, 2012

DAHL & DAHL,
ATTORNEYS AT LAW

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27 By: /s/ Andrew Brian Reisinger
Andrew Brian Reisinger
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28 his Guardian Ad Litem Patricia Soltero-Morfin