

RELIEF FROM STAY SUMMARY SHEET

\* \* \* INSTRUCTIONS ON FORM EDC 3-468-INST \* \* \*

COMPLETE ALL PORTIONS APPLICABLE TO THE RELIEF FROM STAY MOTION. THIS IS IN THE NATURE OF A PRETRIAL STATEMENT AND IS NOT EVIDENCE.

DEBTOR: CITY OF STOCKTON, CALIFORNIA CASE NO. 12-32118-C-9

MOVANT: MARTI LYNN COOK, DC NO. DRJ-1

HEARING DATE/TIME: January 20, 2015/9:30 a.m.

RELIEF IS SOUGHT AS TO:

- ( ) REAL PROPERTY Assessor Parcel Number (APN):
( ) PERSONAL PROPERTY If applicable, Vehicle Identification Number (VIN):
(✓) STATE COURT LITIGATION

1. Address OR description of property or state court action: Personal injury action arising from a dog bite incident involving a police dog.

2. Movant's trust deed is a ( ) 1st ( ) 2nd ( ) 3rd ( ) Other:
OR
Leased property is ( ) Residential ( ) Non-residential Term: ( ) Month-to-Month ( ) Other

3. Verified appraisal filed? Movant's valuation of property: \$

4. The following amounts are presently owing to movant for:

Table with 4 columns: PRINCIPAL, INTEREST, COSTS, TOTAL. Each column has a dollar sign followed by a blank line for input.

5. State identity, rank, and balance owing to other known lien holders. Use additional page(s) if necessary.

Table for listing other known lien holders with columns for state identity, rank, and balance. Includes a row for TOTAL ALL LIENS and DEBTOR'S EQUITY.

6. Monthly payment is \$, of which \$ is for impound account. Monthly late charge is \$.

7. The last payment by debtor was received on and was applied to the payment due.

8. Number of payments past due and amount: (a) Pre-petition \$ (b) Post-petition \$.

9. Notice of Default was recorded on. Notice of sale was published on.

10. If a chapter 13 case, in what class is this claim?

11. Grounds for seeking relief (check as applicable):

- ( ) § 362(d)(1) ( ) § 362(d)(2) ( ) § 362(d)(3) ( ) § 362(d)(4)
(✓) Cause ( ) Inadequate protection ( ) Lack of equity ( ) Lack of insurance ( ) Bad faith
( ) Surrendered pursuant to Statement of Intention. ( ) Report of No Distribution has been filed.
( ) Other

12. For each ground checked in item 11, furnish a brief supporting statement below. Use additional page(s) if necessary.

A. Movant's claim needs to be determined and liquidated; B. The Bankruptcy Court cannot determine and liquidate the claim due to the restrictions imposed by 28 USC §157(b)(2) (B) and (O); C. Although the United States District Court for the Eastern District of California could liquidate and determine Movant's claim, in light of its well-known extraordinarily heavy workload, the District Court is far more likely to exercise discretionary abstention under 28 USC §1334; and, D. The Movant's proposed lawsuit is a garden-variety personal injury claim that the Fresno County Superior Court is well-positioned to promptly and efficiently resolve- responding to the proposed lawsuit should not, therefore, move unduly burdensome to the Debtor or its attorneys.