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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. SEJ-1
 Chapter 9

16 **STIPULATION BETWEEN THE CITY
 17 OF STOCKTON AND DARSHAN
 18 SINGH, KULWINDER KAUR, KOMAL
 19 BROS, INC. AND WILSHIRE BANK
 FKA WILSHIRE STATE BANK FOR
 RELIEF FROM THE AUTOMATIC
 STAY**

20 Date: July 1, 2014
 21 Time: 9:30 a.m.
 Dept: Courtroom 35
 22 Judge: Hon. Christopher M. Klein

23 Darshan Singh, Kulwinder Kaur, and Komal Bros, Inc. (collectively and individually,
 24 "Singh Parties") and Wilshire Bank fka Wilshire State Bank ("Bank," and together with Singh
 25 Parties, collectively and individually, "Movants") and the City of Stockton ("City," and together
 26 with Movants, collectively and individually, the "Parties") hereby enter into the following
 27 stipulation ("Stipulation") as follows:

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RECITALS

1. On June 3, 2014, Movants filed with the above-entitled Court a motion (“Motion”) seeking a determination that the automatic stay imposed by the City's bankruptcy case does not apply to case number 39-2011-00256897 (“State Court Action”), an eminent domain action pending before the California Superior Court for the County of San Joaquin (“State Court”), or, in the alternative, an order granting relief from the automatic stay to the extent the stay does apply, such that Movants may proceed to trial and judgment as to all parties to the State Court Action.

2. The City contends that the automatic stay does apply and further contends that relief from the stay should not be granted, asking that the motion be denied without prejudice pending further developments in the case relating to the City’s proposed plan of adjustment.

3. The Parties have reached agreement as to the automatic stay issues.

Accordingly, the Parties hereby stipulate and agree as follows:

STIPULATION

1. The Court need not determine whether the automatic stay applies.

2. Based on the assumption that the automatic stay does apply, relief from the automatic stay shall be granted as follows:

- a. The automatic stay is terminated in its entirety with respect to, and as to all parties to, the State Court Action effective October 14, 2014, if not sooner terminated on the effective date of a plan of adjustment.
- b. Movants agree that the trial in the State Court Action will commence no earlier than October 15, 2014, and will not request, seek or argue for (directly or indirectly) an earlier trial date.
- c. The City will not request, seek or argue for (directly or indirectly) a trial date in the State Court Action later than December 31, 2014.
- d. The automatic stay will be modified with respect to the State Court Action effective July 15, 2014, for the purpose of allowing any and all parties in the State Court Action, including but not limited to Movants, to file whatever papers or take whatever action they deem necessary to request a

1 new trial date in the State Court Action and/or for the State Court to
2 conduct whatever hearing(s) it deems necessary to order a new trial date,
3 whether a case management conference or other conference or hearing,
4 although the trial date requested shall not be earlier than October 15, 2014.

- 5 e. The automatic stay will be modified with respect to the State Court Action
6 effective August 29, 2014, for the purpose of allowing the following, as to
7 any and all parties in the State Court Action, including but not limited to
8 Movants: (1) completion of expert discovery (including any related motion
9 practice); and (2) the filing and prosecution by the Singh Parties of a
10 motion or motions in the State Court Action requesting that the State Court
11 (a) determine or redetermine whether the amount deposited with the State
12 Treasurer is the probable amount of compensation that will be awarded in
13 the State Court Action and (b) compel The People of the State of
14 California, acting by and through the Department of Transportation, to
15 increase the amount of its deposit with the State Treasurer as probable
16 compensation for the taking (and/or for Bank to file, prosecute or join in
17 such a motion), and for any related briefing and hearing(s) regarding the
18 same.

19 3. Notwithstanding anything contained in Rule 4001(a)(3) of the Federal Rules of
20 Bankruptcy Procedure, this Stipulation shall be effective upon the entry on the docket of the order
21 granting Movants relief from the stay ("Order"), and the 14-day stay contemplated by Rule
22 4001(a)(3) shall not apply. If any provision of the Order is later modified, vacated or stayed by
23 subsequent order of this or any other Court for any reason, such modification, vacation or stay
24 shall not affect the validity of any action taken pursuant to the Order prior to the later of (a) the
25 effective date of such modification, vacation or stay, or (b) the entry of the order pursuant to
26 which such modification, vacation or stay was established.

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Dated: June 23, 2014

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