

4

1 MARC A. LEVINSON (STATE BAR NO. 57613)
 malevinson@orrick.com
 2 NORMAN C. HILE (STATE BAR NO. 57299)
 nhile@orrick.com
 3 PATRICK B. BOCASH (STATE BAR NO. 262763)
 pbocash@orrick.com
 4 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 5 Sacramento, California 95814-4497
 Telephone: +1-916-447-9200
 6 Facsimile: +1-916-329-4900

7 Attorneys for Debtor
 City of Stockton

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

13 In re:
 14 CITY OF STOCKTON, CALIFORNIA,
 15 Debtor.

Case No. 2012-32118
 D.C. No. SEJ-1
 Chapter 9

**ORDER APPROVING STIPULATION
 BETWEEN THE CITY OF STOCKTON
 AND DARSHAN SINGH, KULWINDER
 KAUR, KOMAL BROS, INC. AND
 WILSHIRE BANK FKA WILSHIRE
 STATE BANK FOR RELIEF FROM
 THE AUTOMATIC STAY AND
 GRANTING RELIEF FROM THE
 AUTOMATIC STAY**

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

24 The Court has considered (a) the Motion for Order (1) Confirming Inapplicability of the
 25 Automatic Stay and (2) Granting Relief from the Automatic Stay to the Extent the Automatic
 26 Stay is Applicable (“Motion”) filed June 3, 2014 [Dkt. No. 1544], by Darshan Singh, Kulwinder
 27 Kaur, and Komal Bros, Inc (collectively and individually, “Singh Parties”) and Wilshire Bank fka
 28 Wilshire State Bank (“Bank,” and together with Singh Parties, collectively and individually,

RECEIVED

June 23, 2014

CLERK, U. S. BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA
 0005246516

ORDER GRANTING RELIEF
 FROM AUTOMATIC STAY

1 “Movants”); (b) the pleadings and declarations filed in support of and in opposition to the
2 Motion, including the City of Stockton's (“City's”) Response to the Motion filed June 17, 2014
3 [Dkt. No. 1594]; and (c) the Stipulation Between the City and the Movants for Relief from the
4 Automatic Stay filed June 23, 2014 (“Stipulation”).

5 The Court has determined that (a) the relief agreed upon in the Stipulation is proper under
6 the circumstances such that the Stipulation should be approved; and (b) the Motion was sufficient
7 to afford reasonable notice of the material provisions of the Stipulation and opportunity for a
8 hearing, such that the procedures prescribed in Federal Rule of Bankruptcy Procedure (“Rule”)
9 4001(d)(1), (2) and (3) shall not apply and the Stipulation may be approved without further notice
10 or hearing.

11 NOW, THEREFORE, IT IS HEREBY ORDERED that the Stipulation is approved in its
12 entirety.

13 IT IS FURTHER ORDERED that, based on the assumption that the automatic stay does
14 apply to stay case number 39-2011-00256897-CU-EI-STK (“State Court Action”), an eminent
15 domain action pending before the California Superior Court for the County of San Joaquin (“State
16 Court”), relief from the automatic stay is hereby granted as follows:

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

IT IS FURTHER ORDERED that notwithstanding anything contained in Rule 4001(a)(3), this order shall be effective upon its entry on the docket, and the 14-day stay contemplated by Rule 4001(a)(3) shall not apply. If any provision of this order is later modified, vacated or stayed by subsequent order of this or any other Court for any reason, such modification, vacation or stay shall not affect the validity of any action taken pursuant to this order prior to the later of (a) the

///
///
///
///
///

1 effective date of such modification, vacation or stay, or (b) the entry of the order pursuant to
2 which such modification, vacation or stay was established.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June 25, 2014



United States Bankruptcy Judge