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City of San Bernardino

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16 **UNITED STATES BANKRUPTCY COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18
19 **RIVERSIDE DIVISION**

20 In re
21 CITY OF SAN BERNARDINO,
CALIFORNIA,
22 Debtor.

Case No. 6:12-bk-28006 MJ

Chapter 9

**ORDER GRANTING DEBTOR'S MOTION
FOR AN ORDER LIMITING NOTICE AND
PERMITTING DEBTOR TO ESTABLISH AND
MAINTAIN A PUBLICLY AVAILABLE
INTERNET-ACCESSED WEBSITE IN LIEU
OF NOTICE TO CERTAIN PARTIES**

23
24
25 Date: August 17, 2012
26 Time: 10:00 a.m.
Place: Courtroom 301
Hon. Meredith A. Jury
Courtroom 301
3420 Twelfth Street
Riverside, CA 92501
27
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1 The Court, having read and considered the Motion For An Order Limiting Notice And
2 Permitting Debtor To Establish And Maintain A Publicly-Available Internet-Accessed Website in
3 Lieu of Notice to Certain Parties (the “Motion”) submitted by the City of San Bernardino (the
4 “City”), the debtor in the above-captioned chapter 9 case, the memorandum of points and authorities
5 in support of the Motion, the record in this case, and any admissible evidence presented to the Court
6 at or prior to the hearing on the Motion, if any, and no opposition having been filed, hereby finds
7 that: (a) notice of the Motion and the hearing thereon were adequate and proper under the
8 circumstances; (b) the relief sought in the Motion is reasonable, necessary and in the best interests of
9 the City and its creditors; and (c) good cause appearing therefor;

10 **IT IS HEREBY ORDERED** that:

11 1. The Motion is granted.
12 2. With respect to all matters or proceedings for which title 11 of the United States
13 Code, the Federal Rules of Bankruptcy Procedure, or the Local Rules of this Court authorize the
14 Court to designate or limit the parties entitled to notice, notice shall be sufficient if served only upon
15 the following parties (the “Special Notice Parties”) via email or the CM/ECF system, when possible,
16 and otherwise by U.S. Mail or overnight delivery, unless a different manner of service, consistent
17 with this Order, is specifically requested in a paper filed with the Court and served upon the parties
18 entitled to notice herein at least ten days prior to service made pursuant to this Order:

19 a. The Office of the United States Trustee, as follows:

20 Everett L. Green, Assistant U.S. Trustee
21 U.S. Department of Justice, Office of the United States Trustee
22 3685 Main Street, Suite 300
23 Riverside, CA 92501
24 Email: everett.green@usdoj.gov

25 and

26 Michael J. Bujold
27 U.S. Department of Justice
28 3685 Main Street, Suite 300
Riverside, CA 92501
Email: Michael.J.Bujold@usdoj.gov

1 b. The City Attorney, as follows:

2 James F. Penman, City Attorney
3 Office of the City Attorney
4 City of San Bernardino - City Hall
5 300 N. "D" Street, 6th Floor
6 San Bernardino, CA 92418
7 Email: Penman_Ja@sbcity.org

8 c. The City's chapter 9 counsel, as follows:

9 Paul R. Glassman, Esq.
10 Stradling Yocca Carlson & Rauth
11 100 Wilshire Blvd., Suite 440
12 Santa Monica, CA 90401
13 Email: pglassman@sycr.com

14 Laura L. Buchanan, Esq.
15 Stradling Yocca Carlson & Rauth
16 100 Wilshire Blvd., Suite 440
17 Santa Monica, CA 90401
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19 Kathleen D. DeVaney, Esq.
20 Stradling Yocca Carlson & Rauth
21 100 Wilshire Blvd., Suite 440
22 Santa Monica, CA 90401
23 Email: kdevaney@sycr.com

24 d. Counsel for any committee representing all unsecured creditors that is
25 appointed under section 1102 of the Bankruptcy Code (as made applicable in this case by section
26 901), or, absent and prior to the appointment of any such committee, to each of the creditors holding
27 the twenty largest unsecured claims as filed by the City.

28 e. The Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

f. Franchise Tax Board
Bankruptcy Section, MS: A-340
P. O. Box 2952
Sacramento, CA 95812-2952

g. Employment Development Department
Bankruptcy Group MIC 92E
P. O. Box 826880
Sacramento, CA 94280-0001

h. Creditors and others who file with the Court and properly serve on the City's
chapter 9 counsel (see subparagraph c above), a request for special notice; and

1 i. Any party against whom direct relief is sought by motion, application or
2 otherwise, such as the nondebtor party to an executory contract or unexpired lease being assumed or
3 rejected.

4 3. The filing of any pleading in this case, other than a proof of claim, on behalf of one of
5 the Special Notice Parties, via the CM/ECF system, shall constitute that party's consent to receive all
6 future notice through the CM/ECF system; provided, however, that such party may request that
7 notice be sent by first class mail to a specified address, or by electronic mail to a specified address,
8 by both filing with the Court and serving on the City's chapter 9 counsel a request for alternative
9 service and/or change of address so stating. Counsel for any of the parties listed above, if counsel is
10 added or other counsel is substituted in their place, may report this substitution by both filing with
11 the Court and serving on the City's chapter 9 counsel a request for special notice. Counsel making
12 such a request shall receive future service through the CM/ECF system; provided, however, that
13 such counsel may, in the request for special notice, request additional service by first class mail at
14 any address.

15 4. To the extent that the foregoing is inapplicable, any party filing or causing the filing
16 of a motion, complaint, response, objection, notice, application, request, or other paper in this
17 bankruptcy case, shall be deemed to have consented to receive effective notice at the address
18 appearing on such paper, and notice sent to that address shall be deemed to have been brought to the
19 attention of such party.

20 5. Other than as set forth above, and unless otherwise required by Bankruptcy Rule
21 7004(h) or order of the Court, all notices in this case shall be provided by first class mail.

22 6. Unless otherwise ordered by the Court, the limitation on notice proposed by this
23 Motion shall not apply to those matters or proceedings referred to in Bankruptcy Rule 2002(a)(5) &
24 (7), (b), and (f), as applicable. Such matters or proceedings shall be noticed in accordance with the
25 Federal Rules of Bankruptcy Procedure.

26 7. The City is hereby authorized and empowered to establish and maintain a publicly
27 available Internet-accessed website to provide alternative means of access to this Court's docket and
28 to relevant documents via a website maintained on the City's webpage at the City's expense.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

100 Wilshire Blvd., Suite 440, Santa Monica, CA 90401.

A true and correct copy of the foregoing document entitled: ORDER GRANTING DEBTOR'S MOTION FOR AN ORDER LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE TO CERTAIN PARTIES will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August 23, 2012, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

OVERNIGHT MAIL:

Honorable Meredith A. Jury
U.S. Bankruptcy Court
3420 Twelfth Street, Suite 325
Riverside, CA 92501-3819

SERVED BY EMAIL:

Attorneys for National Public Finance Guaranty Corporation:
Lawrence A. Larose llarose@winston.com
Samuel S. Kohn skohn@winston.com
Matthew M. Walsh mwalsh@winston.com
Gregory A. Martin gmartin@winston.com

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Attorneys for Retired Employees of the City
of San Bernardino Jenifer Aragon, Michael
Billdt, Michael Eckley, Walt Goggin, Wayne
Harp, Frank Mankin, Denis Moon, Scott
Paterson, and Robert Simmons:
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Corey W. Glave SBCPFattorney@gmail.com

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 23, 2012
Date

Christine Pesis
Printed Name

/s/ Christine Pesis
Signature

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*): ORDER GRANTING DEBTOR'S MOTION FOR AN ORDER LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE TO CERTAIN PARTIES was entered on the date indicated as Entered on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of August 23, 2012, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Jerrold Abeles abeles.jerry@arentfox.com
Joseph M Adams jadams@lawjma.com
Andrew K Alper aalper@frandzel.com, efiling@frandzel.com; ekidder@frandzel.com
Thomas V Askounis taskounis@askounisdarcy.com
Anthony Bisconti tbisconti@bmkattorneys.com
Jeffrey E Bjork jbjork@sidley.com
Sarah C Boone sboone@marshackhays.com, ecfmarshackhays@gmail.com
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Scott Ewing contact@omnimgt.com, sewing@omnimgt.com
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Everett L Green everett.l.green@usdoj.gov
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D Edward Hays ehays@marshackhays.com, ecfmarshackhays@gmail.com
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Kenneth N Russak krussak@frandzel.com, efiling@frandzel.com; dmoore@frandzel.com
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Diane S Shaw diane.shaw@doj.ca.gov

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

Jason D Strabo jstrabo@mwe.com, losangelestrialdocket@mwe.com
Matthew J Troy matthew.troy@usdoj.gov
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Anne A Uyeda auyeda@bmkattorneys.com
Annie Verdries verdries@lbbslaw.com
Brian D Wesley brian.wesley@doj.ca.gov

Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

Service information continued on attached page

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