


2008-26813
FILED
May 29, 2008
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0001239435

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City of Vallejo, California

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

12 In re:
13 CITY OF VALLEJO, CALIFORNIA,
14 Debtor
15

Case No. 2008-26813
OHS-3
Chapter 9
ORDER GRANTING DEBTOR'S
EMERGENCY MOTION FOR AN
ORDER PURSUANT TO 11 U.S.C.
§§ 102 AND 105(a) AND BANKRUPTCY
RULES 2002 (m) AND 9007 LIMITING
NOTICE AND PERMITTING DEBTOR
TO ESTABLISH AND MAINTAIN A
PUBLICLY AVAILABLE INTERNET-
ACCESSED WEBSITE IN LIEU OF
NOTICE TO CERTAIN PARTIES

Date: May 29, 2008
Time: 10:00 a.m.
Dept: A

25 The Court, having considered the DEBTOR'S EMERGENCY MOTION FOR AN
26 ORDER PURSUANT TO 11 U.S.C. §§ 102 AND 105(a) AND BANKRUPTCY RULES
27 2002(m) AND 9007 LIMITING NOTICE AND PERMITTING DEBTOR TO ESTABLISH
28 AND MAINTAIN A PUBLICLY AVAILABLE INTERNET-ACCESSED WEBSITE (the

ORDER ON DEBTOR'S EMERGENCY MOTION LIMITING
NOTICE AND PERMITTING DEBTOR TO MAINTAIN AN
INTERNET-ACCESSED WEBSITE IN LIEU OF NOTICE

RECEIVED
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EASTERN DISTRICT OF CALIFORNIA
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1 “Motion”)¹ submitted by the City of Vallejo (the “City”), the debtor in the above-captioned
2 chapter 9 case, the memorandum of points and authorities in support of the Motion, any
3 opposition to the Motion, the record in this case, and any admissible evidence presented to the
4 Court at or prior to the hearing on the Motion, if any, hereby finds that: (a) notice of the Motion
5 and the hearing thereon were adequate and proper under the circumstances; (b) the relief sought
6 in the Motion is reasonable, necessary and in the best interests of the Debtor; and (c) good cause
7 appearing therefor

8 **IT IS HEREBY ORDERED** that:

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

- 17 a. The Office of the United States Trustee as follows:

18 Antonia G. Darling, Assistant U.S. Trustee
19 U.S. Department of Justice, Office of the US Trustee
20 650 Capitol Mall, room 6556
21 Sacramento, CA 95814
22 Email: Antonia.Darling@usdoj.gov

- 23 b. The City, as follows:

24 Joseph Tanner, City Manager
25 City of Vallejo – City Hall
26 555 Santa Clara Street
27 P.O. Box 3068
28 Vallejo, CA 94950
Email: jtanner@ci.vallejo.ca.us
Email: julia@ci.vallejo.ca.us

¹ Terms not otherwise defined herein shall have the meanings set forth in the Motion.

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c. The City Attorney, as follows:

Office of the City Attorney
City of Vallejo – City Hall
555 Santa Clara Street, 3rd Floor
P.O. Box 3068
Vallejo, California 94590
Email: cityatty@ci.vallejo.ca.us

d. The City’s chapter 9 counsel:

Marc A. Levinson, Esq.
Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall, Suite 3000
Sacramento, CA 95814
Email: malevinson@orrick.com

and

Katherine Thomas, Esq.
Orrick, Herrington & Sutcliffe LLP
Columbia Center
1152 15th Street, NW
Washington, DC 20005-1706
Email: ksthomas@orrick.com

e. Counsel for any committee appointed under section 1102 of the Bankruptcy Code (as made applicable in this case by section 901), or, absent and prior to the appointment of any such committee, to each of the creditors included on the list of creditors holding the twenty largest unsecured claims as filed by the City;

f. The Indenture Trustees for the City’s bondholders, as follows:

Union Bank of California, N.A.
c/o BetteJean McCole, Vice President
Special Assets Division
445 South Figueroa Street G04-421
Los Angeles, California 90071
Email: BetteJean.McCole@uboc.com

and

Union Bank of California, N.A.
c/o Robert Kaplan, Esq.
c/o Nick De Lancie, Esq.
Jeffer, Mangels, Butler & Marmaro LLP
Two Embarcadero Center, Fifth Floor
San Francisco, CA 94111-3824
Email: rbk@jmbm.com
Email: nde@jmbm.com

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and

Wells Fargo Bank, Trustee
c/o Cecil D. Bobey
333 Market Street, 18th Floor, MAC:A0119-181
San Francisco, CA 94105

and

Wells Fargo Bank, Trustee
c/o Mike C. Buckley, Esq.
Reed Smith, LLP
1999 Harrison Street, Suite 2400
Oakland CA 94612-3572
Email: mbuckley@reedsmith.com

g. MBIA, the City's Bond Insurer, as follows:

MBIA
c/o Jerry Murray
113 King Street
Armonk, NY 10504
Email: jerry.murray@mbia.com

and

MBIA
c/o Jordan A. Kroop, Esq.
Squire, Sanders & Dempsey LLP
Two Renaissance Square
40 N Central Avenue, Suite 2700
Phoenix, AZ 85004-4498
Email: jkroop@ssd.com

h. CalPERS, as follows:

California Public Employees Retirement System
c/o Peter Mixon, Esq.
Chief Counsel
P.O. Box 942707
Sacramento, CA 94229-2707
Email: peter_mixon@calpers.ca.gov

and

California Public Employees Retirement System
c/o Steve H. Felderstein, Esq.
Felderstein, Fitzgerald, Willoughby & Pascuzzi, LLP
400 Capitol Mall, Suite 1450
Sacramento, CA 95814-4434
Email: sfelderstein@ffwplaw.com

1 i. Counsel for the IAFF, as follows:

2 International Association of Firefighters Local 1186
3 c/o Alan C. Davis, Esq.
4 Davis and Reno
5 22 Battery Street
6 Suite 1000
7 San Francisco, California 94111-5524
8 Email: AlanD3370@aol.com

9 and

10 International Association of Firefighters Local 1186
11 c/o Dean M. Gloster, Esq.
12 Farella Braun + Martel LLP
13 Russ Building
14 235 Montgomery Street
15 San Francisco, CA 94104
16 Email: dgloster@fbm.com

17 j. Counsel for the VPOA, as follows:

18 Vallejo Police Officers' Association
19 c/o Alan C. Davis, Esq.
20 Davis and Reno
21 22 Battery Street
22 Suite 1000
23 San Francisco, California 94111-5524
24 Email: AlanD3370@aol.com

25 and

26 Vallejo Police Officers' Association
27 c/o Dean M. Gloster, Esq.
28 Farella Braun + Martel LLP
Russ Building
235 Montgomery Street
San Francisco, CA 94104
Email: dgloster@fbm.com

k. Counsel for the IBEW, as follows:

International Brotherhood of Electrical Workers, Local 2376
c/o Alan C. Davis, Esq.
Davis and Reno
22 Battery Street
Suite 1000
San Francisco, California 94111-5524
Email: AlanD3370@aol.com

and

International Brotherhood of Electrical Workers, Local 2376
c/o Dean M. Gloster, Esq.
Farella Braun + Martel LLP

1 Russ Building
2 235 Montgomery Street
3 San Francisco, CA 94104
4 Email: dgloster@fbm.com

5 l. CAMP, as follows:

6 Confidential Administrative, Managerial and Professional Association
7 Office of the City Attorney
8 c/o Alesia Jones-Martin
9 555 Santa Clara Street
10 Vallejo, CA 94950
11 Email: ajmartin@ci.vallejo.ca.us

12 m. PG&E Credit Operations
13 c/o Cassaundra Gardner, Financial Analyst
14 8110 Lorraine Ave Ste 403
15 Stockton, CA 95210
16 Email: CGG3@pge.com

17 n. Creditors and parties in interest who file with the Court and properly serve on the
18 City's chapter 9 counsel, a request for special notice; and

19 o. Any party against whom direct relief is sought by motion, application or
20 otherwise, such as the nondebtor party to an executory contract or unexpired lease
21 being assumed or rejected.

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

4. To the extent that the foregoing is inapplicable, any party filing or causing the
filing of a motion, complaint, response, objection, notice, application, request, or other paper in

1 this bankruptcy case, shall be deemed to have consented to receive effective notice at the address
2 appearing on such paper, and notice sent to that address shall be deemed to have been brought to
3 the attention of such party.

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

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

10 7. The City is hereby authorized and empowered to establish and maintain a publicly
11 available Internet-accessed website to provide alternative means of access to this Court's docket
12 and to relevant documents via a website maintained on the City's webpage at the City's expense.
13 Specifically, the City's Bankruptcy Website shall provide, without limitation, general information
14 concerning the chapter 9 case, including the case docket, access to docket filings, answers to
15 frequently asked questions, and general information concerning significant matters in the case.

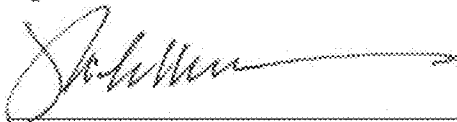
16 8. The City is hereby authorized and empowered to take such actions as may be
17 necessary and appropriate to implement the terms of this Order.

18 9. This Court shall retain jurisdiction to hear and determine all matters arising from
19 the implementation of this Order.

20 10. This Order shall be served on the List of Creditors filed by the City pursuant to
21 Bankruptcy Code § 924.

22
23
24 Dated: 29 May 2008

By the Court

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27 Michael S. McManus, Chief Judge
28 United States Bankruptcy Court