


2008-26813
FILED
May 18, 2010
CLERK, U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

0002637995

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19 **UNITED STATES BANKRUPTCY COURT**
20 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

21 In re:
22 CITY OF VALLEJO, CALIFORNIA,
23 Debtor.

24 **Case No. 08-26813**
25 Chapter 9
26 DC No. WS-1
27 **[No Hearing Requested]**

28 **ORDER PURSUANT TO BANKRUPTCY RULE 2004 AUTHORIZING AND DIRECTING**
(A) ORAL EXAMINATION OF DEBTOR CITY OF VALLEJO, CALIFORNIA AND (2)
PRODUCTION OF DOCUMENTS

Upon *ex parte* application (the "Application") of creditor National Public Finance Guarantee ("National") for an Order pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 2004 authorizing and directing Debtor City of Vallejo, California (the "Debtor" or the "City") to (1) appear for an oral examination and (2) produce the documents described on Exhibit A attached hereto and incorporated by reference as though set forth in full; the Court finding that it has jurisdiction over this matter pursuant to sections 157 and 1334 of Title 28 of the United States Code,

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1 that adequate notice has been, and that good cause appearing therefor,

2 IT IS HEREBY ORDERED:

3 1. The Application is GRANTED.

4 2. National is authorized to examine the Debtor pursuant to FRBP 2004(a) on the
5 subjects specified in FRBP 2004(b).

6 3. The examination shall not be scheduled earlier than 30 days after service
7 under FRBP 9016. For the avoidance of doubt, the examination of the Debtor shall take place on
8 July 1, 2010 at 10:00 a.m. at the San Francisco office of Winston & Strawn LLP 101 California
9 Street, San Francisco, California 94111-5802.

10 4. Pursuant to FRBP 2004(c) the Debtor shall produce all responsive documents
11 being sought pursuant to the attached Exhibit A on June 24, 2010 at 5:00 p.m. at the San Francisco
12 office of Winston & Strawn LLP, 101 California Street, San Francisco, California 94111-5802.

13 5. Nothing contained herein compels the production of privileged or other
14 legally protected matter or precludes the filing of a motion to quash or a motion for protective order.
15 This notwithstanding, if documents are withheld from production based on a claim of privilege or
16 other legal grounds, the Debtor must deliver to National's counsel at the San Francisco office of
17 Winston & Strawn LLP 101 California Street, San Francisco, California 94111-5802 a privilege log
18 in accordance with FRBP 7026(b)(5) with its document production.

19 Dated: May 18, 2010

By the Court


Michael S. McManus
United States Bankruptcy Judge

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EXHIBIT A

DEFINITIONS

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3 1. "DOCUMENT" means a writing, as defined in Rule 34 of the Federal Rules of Civil
4 Procedure and Rule 1001 of the Federal Rules of Evidence, and includes any kind of written,
5 typewritten, or printed material whatsoever, any kind of graphic material, and any computer readable
6 media including, but without limitation, papers, agreements, contracts, notes, memoranda,
7 correspondence, e-mails, studies, working papers, letters, telegrams, invoices, personal diaries,
8 journal entries, reports, records, books, forms, indexes, transcriptions and recordings, magnetic
9 tapes, disks and printed cards, data sheets, data processing cards, personal calendars, interoffice
10 memoranda, minutes and records of any meetings, financial statements, financial calculations,
11 estimates, reports of telephone or other oral conversations, appointment books, maps, drawings,
12 charts, graphs, photographs, and all other writings and recordings of every kind, however produced
13 or reproduced, whether signed or unsigned, and whether in computerized databases or other
14 electronic format or whether hard copies thereof. The term "DOCUMENT" further includes,
15 without limitation, the original and all file copies and other copies that are not identical to the
16 original no matter how or by whom prepared, and all drafts prepared in connection with any
17 documents, whether used or not. If the original of any document is not in your possession, custody
18 or control, a copy of that document should be produced. The term "DOCUMENT" also includes any
19 COMMUNICATION that otherwise meets the definition of "DOCUMENT," and the term
20 "COMMUNICATION" includes any DOCUMENT that otherwise meets the definition of
21 "COMMUNICATION."

22 2. A DOCUMENT is one RELATING TO a subject if, for example, it constitutes,
23 comprises, describes, sets forth, shows, reflects, analyzes, refers to, evidences, comments upon,
24 mentions, is connected to, discusses, contains quantitative data relating to, or pertains to the subject.

25 3. "COMMUNICATION" or "COMMUNICATIONS" refers to any transmission of
26 information, the information transmitted and any process by which information is transmitted, and
27 includes written and documented communications, as well as oral communications, or any other
28 exchange of information, response, in-person conversation or affirmative contact between one or
more PERSONS.

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1 scope of and demand any writings that otherwise would not fall within its scope.

2 2. The singular form includes the plural and vice versa wherever dual construction will
3 serve to bring within the scope of any demand any writings which would otherwise not fall within its
4 scope.

5 3. The use of a verb in any tense shall be construed as the use of the verb in all other
6 tenses.

7 **DOCUMENTS TO BE PRODUCED**

8 1. DOCUMENTS reporting the current and historical property tax rate/base and sales
9 tax rates for the period from fiscal year 1999-00 to and including fiscal year 2009-10.

10 2. Any and all DOCUMENTS containing the complete reports on tax revenue
11 projections (including, without limitations, VLFs and PROPERTY TAX IN-LIEU OF VLFs) or any
12 other subject prepared or delivered by the property tax and sales tax consultants referred to in the
13 PROPOSED PLAN.

14 3. Documents containing or reporting the amount of VLFs and PROPERTY TAX IN-
15 LIEU OF VLFs received by the DEBTOR in fiscal year 2009-10.

16 4. The DOCUMENTS containing the DEBTOR'S comprehensive annual financial
17 reports for fiscal years 1999-00, 2000-01, 2001-02, and 2002-03.

18 5. DOCUMENTS RELATING TO or reporting the wage, salary, bonus, overtime pay,
19 health benefits and pension contribution history of the DEBTOR'S employees by rank and
20 association for the period from fiscal year 1999-00 to and including fiscal year 2009-10.

21 6. DOCUMENTS RELATING TO or reporting the total number of the DEBTOR'S
22 employees by association for the period from fiscal year 1999-00 to and including fiscal year 2009-
23 10.

24 7. The DOCUMENTS containing the International Association of Fire Fighters'
25 collective bargaining agreement with the DEBTOR.

26 8. The DOCUMENTS containing the International Brotherhood of Electrical Workers'
27 collective bargaining agreement with the DEBTOR.

28 9. DOCUMENTS listing or reporting the ten (10) largest tax payers and their

1 respective percentage contribution to the DEBTOR.

2 10. Any and all DOCUMENTS RELATING TO the DEBTOR'S new revenue and/or
3 fee initiatives and their expected revenue impact.

4 11. Any and all DOCUMENTS RELATING TO the compensation surveys the
5 DEBTOR had prepared from 2005 to the present that are available for public distribution.

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