

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

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

WINSTON & STRAWN LLP
Richard A. Lapping (SBN: 107496)
rlapping@winston.com
101 California Street
San Francisco, CA 94111-5802
Telephone: (415) 591-1000
Facsimile: (415) 591-1400

WINSTON & STRAWN LLP
Lawrence A. Larose (admitted pro hac vice)
llarose@winston.com
200 Park Avenue
New York, NY 10166-4193
Telephone: (212) 294-2700
Facsimile: (212) 294-4700

Attorneys for Creditor
NATIONAL PUBLIC FINANCE
GUARANTEE CORPORATION

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

In re:
CITY OF VALLEJO, CALIFORNIA,
Debtor.

Case No. 08-26813
Chapter 9
DC No. WS-1
Date: July 26, 2010
Time: 9:00 a.m.
Dept: A
Judge: Hon. Michael McManus

**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF OPPOSITION OF NATIONAL
PUBLIC FINANCE GUARANTEE CORPORATION TO CITY'S MOTION TO
RECONSIDER ORDER GRANTING NATIONAL PUBLIC FINANCE GUARANTEE
CORPORATION'S *EX PARTE* APPLICATION FOR AN ORDER PURSUANT TO
BANKRUPTCY RULE 2004 AUTHORIZING EXAMINATION OF DEBTOR AND
PRODUCTION OF DOCUMENTS**

National Public Finance Guarantee ("National") hereby requests that the Court take judicial notice of the following court orders pursuant to Federal Rule of Evidence 201, which are being offered in support of National's opposition to the Debtor City of Vallejo, California's Motion to

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5802

1 Reconsider Order Granting National Public Finance Guarantee Corporation's *Ex Parte* Application
2 for an Order Pursuant to Bankruptcy Rule 2004 Authorizing Examination of Debtor and Production
3 of Documents:

4 1. Endorsed copy of the order entered in In re Alta Healthcare District, No. 01-17857-A-
5 9 (Bankr. E.D. Cal. July 8, 2003).

6 2. Endorsed copy of the order entered in In re Alta Healthcare District, No. 01-17857-A-
7 9 (Bankr. E.D. Cal. July 22, 2003).

8 3. Endorsed copy of the order entered in In re Alta Healthcare District, No. 01-17857-A-
9 9 (Bankr. E.D. Cal. December 15, 2003).

10 4. Endorsed copy of the order entered in In re Tri-City Mental Health Center, No. LA
11 04-13167 BR (Bankr. C.D. Cal. July 30, 2004).

12 5. Endorsed copy of the order entered in In re Pierce County Housing Authority, No. 08-
13 45227 (Bankr. W.D. Wash. Jan. 27, 2009).

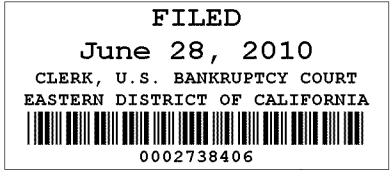
14 6. Endorsed copy of the order entered in In re Pierce County Housing Authority, No. 08-
15 45227 (Bankr. W.D. Wash. Mar. 10, 2009).

16 Copies of these documents are attached as Exhibits A through F to National's Exhibit List
17 filed and served herewith.

18 Dated: June 28, 2010

WINSTON & STRAWN LLP

19
20 By: /s/ Richard A. Lapping
21 Richard A. Lapping
22 Attorneys for
23 National Public Finance
24 Guarantee Corporation
25
26
27
28



1 WINSTON & STRAWN LLP
Richard A. Lapping (SBN: 107496)
2 rlapping@winston.com
101 California Street
3 San Francisco, CA 94111-5802
Telephone: (415) 591-1000
4 Facsimile: (415) 591-1400

5 WINSTON & STRAWN LLP
Lawrence A. Larose (admitted pro hac vice)
6 llarose@winston.com
200 Park Avenue
7 New York, NY 10166-4193
Telephone: (212) 294-2700
8 Facsimile: (212) 294-4700

9 Attorneys for Creditor
NATIONAL PUBLIC FINANCE
10 GUARANTEE CORPORATION

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

11 **UNITED STATES BANKRUPTCY COURT**
12 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

13
14 In re:)
15 CITY OF VALLEJO, CALIFORNIA,)
16 Debtor.)

Case No. 08-26813
Chapter 9
DC No. WS-1
Date: July 26, 2010
Time: 9:00 a.m.
Dept: A
Judge: Hon. Michael McManus

17
18
19
20
21
22 **EXHIBITS A-F IN SUPPORT OF "REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
23 OPPOSITION OF NATIONAL PUBLIC FINANCE GUARANTEE CORPORATION TO
24 CITY'S MOTION TO RECONSIDER ORDER GRANTING NATIONAL PUBLIC
25 FINANCE GUARANTEE CORPORATION'S *EX PARTE* APPLICATION FOR AN ORDER
PURSUANT TO BANKRUPTCY RULE 2004 AUTHORIZING EXAMINATION OF
26 DEBTOR AND PRODUCTION OF DOCUMENTS"**

27 Exhibit A Endorsed copy of the order entered in In re Alta Healthcare District, No.
01-17857-A-9 (Bankr. E.D. Cal. July 8, 2003) 3

1 Exhibit B Endorsed copy of the order entered in In re Alta Healthcare District, No.
01-17857-A-9 (Bankr. E.D. Cal. July 22, 2003) 5

2 Exhibit C Endorsed copy of the order entered in In re Alta Healthcare District, No.
01-17857-A-9 (Bankr. E.D. Cal. December 15, 2003)..... 7

3 Exhibit D Endorsed copy of the order entered in In re Tri-City Mental Health
Center, No. LA 04-13167 BR (Bankr. C.D. Cal. July 30, 2004) 9

4 Exhibit E Endorsed copy of the order entered in In re Pierce County Housing
Authority, No. 08-45227 (Bankr. W.D. Wash. Jan. 27, 2009)..... 12

5 Exhibit F Endorsed copy of the order entered in In re Pierce County Housing
Authority, No. 08-45227 (Bankr. W.D. Wash. Mar. 10, 2009)..... 16

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

Exhibit A

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

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

1 WALTER LAW GROUP
 Riley C. Walter #91839
 2 Gregory S. Powell #182199
 Justin D. Harris 199112
 3 7110 North Fresno Street, Ste. 400
 Fresno, California 93720
 4 Telephone: (559) 435-9800
 Facsimile: (559) 435-9868
 5 E-mail: rwalter@walterlawgroup.com
 6 Attorneys for Creditors' Committee

(SPACE BELOW FOR FILING STAMP ONLY)

CW **FILED**
 JUL - 7 2003
 UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA

ENTERED ON DOCKET
 JUL - 8 2003
 UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA

7
 8 IN THE UNITED STATES BANKRUPTCY COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 FRESNO DIVISION

11 In re	CASE NO. 01-17857-A-9
12 ALTA HEALTHCARE DISTRICT,	Chapter: 9
13 Debtor.	DC No: WLG-8
14 Address: 500 Adelaide Way	Date: N/A
Dinuba, CA 93618-1698	Time: N/A
15 Tax ID: 94-6002936	Dept: Fresno, Dept. A
	Judge: Honorable Whitney Rimel

17 **ORDER ON APPLICATION FOR RULE 2004 EXAMINATION**

18 The application of the Growers' Committee for a Federal Rule of Bankruptcy
 19 Procedure 2004 examination makes a prima facie showing that such an examination
 20 is permissible. Accordingly,

21 IT IS ORDERED that Max Jack, on reasonable notice, may be examined.
 22 As provided by Rule 2004, the attendance and production of documentary evidence
 23 may be compelled pursuant to Federal Rule of Civil Procedure 45.

24 Date: 7/7/03

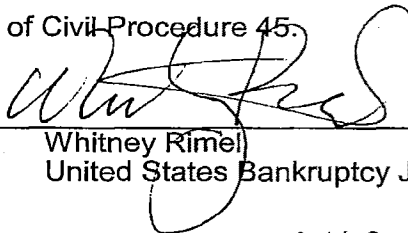
25 
 Whitney Rimel
 United States Bankruptcy Judge
 249

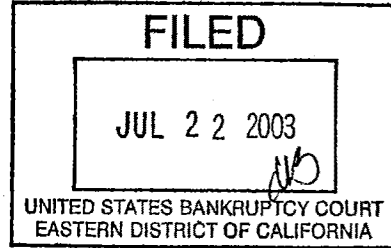
Exhibit B

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

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

(SPACE BELOW FOR FILING STAMP ONLY)

1 WALTER LAW GROUP
Riley C. Walter #91839
2 Gregory S. Powell #182199
Justin D. Harris #199112
3 7110 North Fresno Street, Ste. 400
Fresno, California 93720
4 Telephone: (559) 435-9800
Facsimile: (559) 435-9868
5 E-mail: rwalter@walterlawgroup.com



6 Attorneys for Creditors' Committee

7

8

IN THE UNITED STATES BANKRUPTCY COURT

9

EASTERN DISTRICT OF CALIFORNIA

10

FRESNO DIVISION

11

In re

CASE NO. 01-17857-A-9

12

ALTA HEALTHCARE DISTRICT,

Chapter: 9

13

Debtor.

DC No: WLG-9

14

Address: 500 Adelaide Way
Dinuba, CA 93618-1698

Date: N/A

15

Tax ID: 94-6002936

Time: N/A

Dept: Fresno, Dept. A

Judge: Honorable Whitney Rimel

16

17

ORDER ON APPLICATION FOR RULE 2004 EXAMINATION

18

19 The application of the Growers' Committee for a Federal Rule of Bankruptcy
20 Procedure 2004 examination makes a prima facie showing that such an examination
21 is permissible. Accordingly,

22

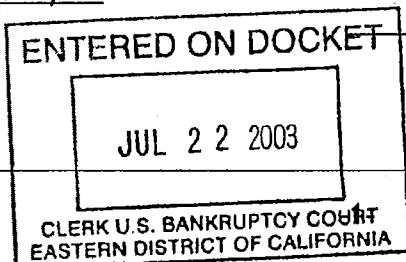
23 IT IS ORDERED that Clifford E. Bressler, on reasonable notice, may be
24 examined. As provided by Rule 2004, the attendance and production of
25 documentary evidence may be compelled pursuant to Federal Rule of Civil
26 Procedure 45.

27

Date: 7/22/03

Whitney Rimel
United States Bankruptcy Judge

28



ORDER

M:\A-C\Alta District Hospital\Pleadings\WLG-9 2004 Cliff
Bressler\Order.070703.raj.wpd

255

Exhibit C

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

- 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

(SPACE BELOW FOR FILING STAMP ONLY)

1 WALTER LAW GROUP
a Professional Corporation
2 Riley C. Walter #91839
Gregory S. Powell #182199
3 Justin D. Harris #199112
7110 North Fresno Street, Ste. 400
4 Fresno, California 93720
Telephone: (559) 435-9800
5 Facsimile: (559) 435-9868
E-mail: rwalter@walterlawgroup.com
6

FILED
DEC 12 2003
UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

ENTERED ON DOCKET
DEC 15 2003
CLERK U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

7 Attorneys for Creditors' Committee
8

9 IN THE UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

12 In re
13 ALTA HEALTHCARE DISTRICT,
14 Debtor.
15 Address: 500 Adelaide Way
Dinuba, CA 93618-1698
16 Tax ID: 94-6002936
17

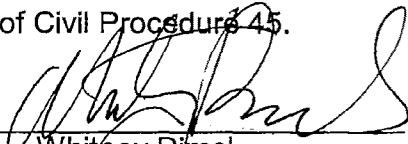
CASE NO. 01-17857-A-9
Chapter: 9
DC No: WLG-12
Date: N/A
Time: N/A
Dept: Fresno, Dept. A
Judge: Honorable Whitney Rimel

18 **ORDER ON APPLICATION FOR RULE 2004 EXAMINATION**

19 The application of the Creditors' Committee for a Federal Rule of Bankruptcy
20 Procedure 2004 examination makes a prima facie showing that such an examination
21 is permissible. Accordingly,

22 IT IS ORDERED that Ed Todd, on reasonable notice, may be examined.
23 As provided by Rule 2004, the attendance and production of documentary evidence
24 may be compelled pursuant to Federal Rule of Civil Procedure 45.

25 Date: 12/12/03

26 
Whitney Rimel
27 United States Bankruptcy Judge
28

306

Exhibit D

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

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

1 CATHERINE D. MEYER #89374
NATHAN M. SPATZ #204769
2 PILLSBURY WINTHROP LLP
725 South Figueroa Street
3 Los Angeles, California 90017
Telephone: (213) 488-7400
4 Facsimile: (213) 629-1033

5 Attorneys for Creditor
ZIONS FIRST NATIONAL BANK, N.A.

FILED
JUL 30 2004
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY Deputy Clerk

ENTERED
JUL 30 2004
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY Deputy Clerk

6 UNITED STATES BANKRUPTCY COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 LOS ANGELES DIVISION

9
10 In re) CHAPTER 9
11) CASE NO. LA 04-13167 BR
12 TRI-CITY MENTAL HEALTH CENTER, a) [PROPOSED] ORDER FOR ISSUANCE
municipal joint powers authority,) OF SUBPOENA DUCES TECUM AND
13) FOR AUTHORITY TO CONDUCT
Debtor.) EXAMINATION OF THE CALIFORNIA
14) STATE DEPARTMENT OF MENTAL
15) HEALTH PURSUANT TO FEDERAL
16) RULE OF BANKRUPTCY PROCEDURE
17) 2004

(NO HEARING REQUIRED)

LOGGED

2004 JUL 28 PM 2:00

CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY  CLERK

21
22
23
24
25
26
27
28

105
MP

1 The Court having read and considered the Motion For Issuance of Subpoena Duces
2 Tecum and For Authority to Conduct Examination of the California State Department of
3 Mental Health, pursuant to Federal Rule of Bankruptcy Procedure 2004 (the
4 "Application"), filed by Zions First National Bank, N.A., notice having been duly given,
5 and good cause appearing therefore, IT IS HEREBY ORDERED:

6 1. That the California State Department of Mental Health shall produce the
7 documents described in Exhibit "A" to the Application on August 24, 2004 at 10:00 a.m. at
8 the offices of Pillsbury Winthrop LLP, 725 S. Figueroa Street, Suite 2800, Los Angeles,
9 California 90017-5406;

10 2. That a subpoena duces tecum may be issued pursuant to Bankruptcy Rule
11 9016 and Rule 45, Federal Rules of Civil Procedure, to compel production of said
12 documents; and

13 3. That a subpoena may be issued pursuant to Bankruptcy Rule 9016 and Rule
14 45, Federal Rules of Civil Procedures to compel the person most knowledgeable at the
15 California State Department of Mental Health to testify regarding the matters covered by
16 the subject Application.

17 Dated: 7/30/04
18

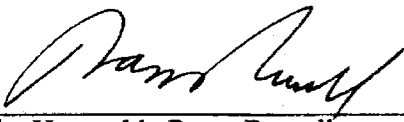
19 
20 _____
The Honorable Barry Russell
United States Bankruptcy Judge
21
22
23
24
25
26
27
28

Exhibit E

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

- 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

Entered on Docket Jan. 27, 2009

FILED

2009 JAN 27 AM 11:58

HONORABLE PAUL B. SNYDER

M.L. HATCHER, CLK.
U.S. BANKRUPTCY COURT
W.D. OF WA AT TACOMA
BY _____ OFF. CLK.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON**

In re

PIERCE COUNTY HOUSING
AUTHORITY,
603 S. POLK STREET,
TACOMA, WA 99445-0410,
TAX ID 91-1105806,

Debtor.

CHAPTER 9

NO. 08-45227

EX-PARTE ORDER AUTHORIZING
CREDITOR DARRELL L. COCHRAN TO
CONDUCT ONE OR MORE RULE 2004
EXAM(S) OF PIERCE COUNTY

THIS MATTER having come before this Court, upon ex-parte motion filed by
Creditor Darrell L. Cochran, and this Court having reviewed the records and files herein, and
good cause appearing to this Court for entry of the following order, pursuant to Bankruptcy
Rule 2004, now therefore it is

ORDERED that Creditor Darrell L. Cochran, or his legal counsel, is hereby authorized
by this Court to conduct one or more examination(s) of Pierce County in the manner provided
for by Bankruptcy Rule 2004(c), for the purpose of obtaining testimony and/or documentation
which may be relevant to whether Pierce County purchased or maintained insurance that may

1 of 3
ORDER

PFAU COCHRAN VERTETIS KOSNOFF, PLLC
911 PACIFIC AVENUE, SUITE 200
TACOMA, WA 98402
PHONE: 253-777-0799 FACSIMILE: 253-627-0654

1 provide insurance coverage for the claim of Debtor Darrell L. Cochran or the claims of other
2 Creditors, including such claims arising from PCHA's acts or omissions as related to PCHA's
3 purchase or operation of the Eagle's Watch apartment complex from 1992 to present. These
4 issues are related to whether the Debtor is insolvent and whether the Debtor has met the
5 threshold, jurisdictional requirements to file for Chapter 9 bankruptcy.
6

7 IT IS FURTHER ORDERED as follows:

8 1. Pierce County shall appoint its most knowledgeable representative, who shall
9 be prepared as required by Federal Rule of Civil Procedure 30(b)(6), to appear for an
10 examination regarding the issues outlined above, which shall be reasonably specified in a
11 notice of deposition to be issued by Darrell L. Cochran or his legal counsel, and to produce
12 records regarding the issues outlined above, at a time and date that Creditor Darrell L.
13 Cochran or his legal counsel may specify upon at least 5 calendar days' notice.

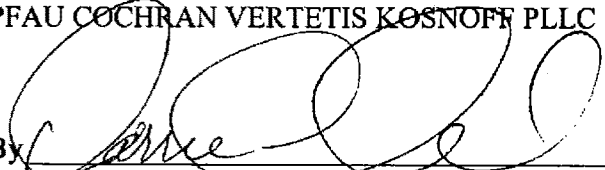
14 2. The records which the Debtor shall produce shall be identified in such
15 subpoenas duces tecum which Creditor Darrell L. Cochran or his legal counsel shall issue.

16 DONE this 27 day of January, 2009.

17
18
19
20 
21 HONORABLE PAUL B. SNYDER
22 United States Bankruptcy Judge
23
24
25
26

1 Presented by:

2 PFAU COCHRAN VERTETIS KOSNOFF PLLC
3

4 
5 By Darrell L. Cochran, WSBA No. 22851
6 darrell@pcvklaw.com
7 Jason P. Amala, WSBA No. 37054
8 jason@pcvklaw.com
9 David Sanders, WSBA No. 39697
david@pcvklaw.com
Attorneys for Creditor Darrell L. Cochran

10
11
12
13
14
15
16
17 ND: 4828-5544-2691, v. 1
18
19
20
21
22
23
24
25
26

3 of 3
ORDER

PFAU COCHRAN VERTETIS KOSNOFF, PLLC
911 PACIFIC AVENUE, SUITE 200
TACOMA, WA 98402
PHONE: 253-777-0799 FACSIMILE: 253-627-0654

Exhibit F

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

- 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

Entered on Docket Mar. 10, 2009

FILED

2009 MAR 10 AM 8:39

M.L. HATCHER, CLERK
U.S. BANKRUPTCY COURT
W.D. OF WA AT TACOMA
BY _____ BHP CLK

HONORABLE PAUL B. SNYDER

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

PIERCE COUNTY HOUSING
AUTHORITY,
603 S. POLK STREET,
TACOMA, WA 99445-0410,
TAX ID 91-1105806,

Debtor.

CHAPTER 9

NO. 08-45227

EX-PARTE ORDER AUTHORIZING
CREDITOR DARRELL L. COCHRAN TO
CONDUCT A MORE RULE 2004 EXAM
OF MIKE PANAGIOTU

THIS MATTER having come before this Court, upon ex-parte motion filed by Creditor Darrell L. Cochran, and this Court having reviewed the records and files herein, and good cause appearing to this Court for entry of the following order, pursuant to Bankruptcy Rule 2004, now therefore it is

ORDERED that Creditor Darrell L. Cochran, or his legal counsel, is hereby authorized by this Court to conduct an examination of Mike Panagiotu in the manner provided for by Bankruptcy Rule 2004(c), for the purpose of obtaining testimony and/or documentation which may be relevant to whether Pierce County purchased or maintained insurance that may

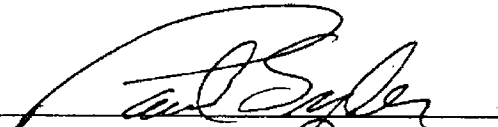
1 provide insurance coverage for the claim of Debtor Darrell L. Cochran or the claims of other
2 Creditors, including such claims arising from PCHA's acts or omissions as related to PCHA's
3 purchase or operation of the Eagle's Watch apartment complex from 1992 to present. These
4 issues are related to whether the Debtor is insolvent and whether the Debtor has met the
5 threshold, jurisdictional requirements to file for Chapter 9 bankruptcy.
6

7 IT IS FURTHER ORDERED as follows:

8 1. Mike Panagiotu shall be prepared to appear for an examination regarding the
9 issues outlined above, which shall be reasonably specified in a notice of deposition to be
10 issued by Darrell L. Cochran or his legal counsel, and to produce records regarding the issues
11 outlined above, at a time and date that Creditor Darrell L. Cochran or his legal counsel may
12 specify upon at least 5 calendar days' notice.

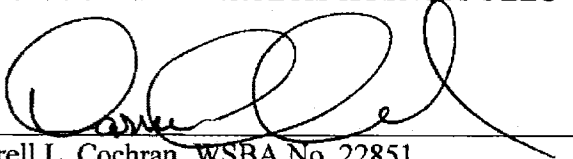
13 2. The records which Mike Panagiotu shall produce shall be identified in such
14 subpoenas duces tecum which Creditor Darrell L. Cochran or his legal counsel shall issue.

15 DONE this 10 day of March, 2009.

16
17
18 
19 HONORABLE PAUL B. SNYDER
20 United States Bankruptcy Judge

1 Presented by:

2 PFAU COCHRAN VERTETIS KOSNOFF PLLC

3
4 
5 By _____
6 Darrell L. Cochran, WSBA No. 22851
7 darrell@pcvklaw.com
8 Jason P. Amala, WSBA No. 37054
9 jason@pcvklaw.com
10 Attorneys for Creditor Darrell L. Cochran

11
12
13
14
15
16 ND: 4813-4727-2707, v. 1
17
18
19
20
21
22
23
24
25
26

3 of 3
ORDER

PFAU COCHRAN VERTETIS KOSNOFF, PLLC
911 Pacific Avenue, Suite 200
Tacoma, WA 98402
PHONE: 253-777-0799 FACSIMILE: 253-627-0654