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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

Chapter 9

**CITY OF STOCKTON'S  
 APPLICATION FOR ORDER UNDER  
 FEDERAL RULE OF BANKRUPTCY  
 PROCEDURE 2004 AUTHORIZING  
 EXAMINATION OF 7TH INNING  
 STRETCH, LLC**

[No Hearing Required]

Judge: Hon. Christopher M. Klein

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 22 This Application For Order Under Federal Rule Of Bankruptcy Procedure 2004  
 23 Authorizing Examination Of 7th Inning Stretch, LLC (the "Application") by the City of Stockton,  
 24 California ("City") is based on the following:

**BACKGROUND**

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 26 1. In 2004, the City financed and constructed an events center that included a 5,200  
 27 seat Class A baseball park (the "Stadium"), in addition to a 10,000 seat arena, parking, and other  
 28 amenities. In 2005, the City entered into a long-term licensing agreement (the "Agreement") for

1 the use of the Stadium with 7th Inning Stretch, LLC (“SIS”), which owns a minor league baseball  
2 team, the Stockton Ports (the “Ports”). The Agreement has an initial term of 25 years, with the  
3 option to extend for two additional 7 year periods.

4 2. Generally, the Agreement concerns issues such as control of the calendar for the  
5 Stadium, control and operation of concessions, and related Stadium revenue streams (such as  
6 advertising). The terms of the Agreement, which are generally favorable to SIS by league  
7 standards, are such that the City must subsidize a portion of the operating costs of the Stadium.

8 3. On June 28, 2012, the City filed its petition for chapter 9 relief. On April 1, 2013,  
9 the Court granted the City’s petition, and entered its order for relief.

10 4. As part of its ongoing development of a plan of adjustment, the City must decide  
11 how to treat its Agreement with SIS, including whether to assume or reject the Agreement. In  
12 order to determine the best course of action, the City requires basic financial information  
13 regarding the performance of the Ports and their use of the Stadium under the Agreement.

14 5. The City has requested SIS to provide information about SIS’s finances, including  
15 on August 1, 2013, when the City sent an informal written request to Pat Filippone, authorized  
16 agent for service of process for SIS. The City is now seeking such information and data via Rule  
17 2004 because SIS has not yet produced all of the requested information and data.

18 **RELIEF REQUESTED**

19 6. The City seeks an order, substantially in the form of Exhibit A, authorizing the  
20 City to compel the production of the following documents and materials by SIS, by and through  
21 Pat Filippone and/or the person most knowledgeable and/or the custodian of such documents:

- 22 i. All Detailed Internal Operating Revenue/Expense Statements for the Ports  
23 and for the use of the Stadium for the past 5 years (2008-2012).
- 24 ii. All Audited Financial Statements for the Ports and for the use of the  
25 Stadium for the past 5 years (2008-2012).
- 26 iii. All League Standard Financial Reports for the Ports for the past 5 years  
27 (2008-2012).
- 28 iv. All Detailed Current Year Budgets and Projections for the Ports and for the  
use of the Stadium.



# Exhibit A

1 Marc A. Levinson (State Bar No. 57613) [Name; State Bar ID No., if applicable]

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3 Attorney for Applicant/Applicant *In Propria Persona*

4  
5 UNITED STATES BANKRUPTCY COURT  
6 EASTERN DISTRICT OF CALIFORNIA

7 In re )  
8 City of Stockton, California, ) Case No. 2012-32118  
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Debtor(s).

12 ORDER GRANTING APPLICATION FOR ORDER OF EXAMINATION UNDER FEDERAL RULE OF  
13 BANKRUPTCY PROCEDURE 2004(a)

15 Application for examination under Federal Rule of Bankruptcy Procedure (FRBP) 2004(a)  
16 having been made by [insert name of applicant] the City of Stockton, California ,

17 IT IS ORDERED:

- 18 1. That [insert name of applicant] the City of Stockton, California is authorized to examine  
19 [insert name of examinee] Pat Filippone pursuant to FRBP 2004(a) on the  
20 subjects specified in FRBP 2004(b);  
21 2. That pursuant to FRBP 2004(c), attendance for examination and production of  
22 documentary evidence may be compelled in the manner provided in FRBP 9016 for the  
23 attendance of witnesses at a hearing or trial; and  
24 3. That the examination shall not be scheduled earlier than 30 days after  
25 service under FRBP 9016 [must be 30 days after service if production of documentary  
26 evidence is requested].  
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1           **IT IS FURTHER ORDERED** that nothing herein compels the production of privileged or other  
2 legally protected matter or precludes the filing of a motion to quash or a motion for a protective order.

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4 Dated:

By the Court

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United States Bankruptcy Judge

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