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11 Attorneys for Debtor
City of San Bernardino

12
13 **UNITED STATES BANKRUPTCY COURT**
CENTRAL DISTRICT OF CALIFORNIA
14 **RIVERSIDE DIVISION**

15 In re:

16 CITY OF SAN BERNARDINO,
CALIFORNIA,

17 Debtor.

Case No. 6:12-bk-28006-MJ

Chapter 9

**NOTICE OF: (1) OCTOBER 14, 2016
HEARING TO CONSIDER
CONFIRMATION OF "THIRD
AMENDED PLAN FOR THE
ADJUSTMENT OF DEBTS OF THE
CITY OF SAN BERNARDINO,
CALIFORNIA (JULY 29, 2016)";
(2) SEPTEMBER 2, 2016 DEADLINE
FOR FILING OBJECTIONS TO
CONFIRMATION OF THE THIRD
AMENDED PLAN; (3) OTHER
DEADLINES; AND (4) EFFECT OF
CONFIRMATION OF THE PLAN**

Plan Confirmation Hearing:

Date and Time: October 14, 2016, 10:00 a.m.

Place: United States Bankruptcy Court
3420 Twelfth Street
Courtroom 301
Riverside, CA 92501

1 **TO ALL CREDITORS OF THE CITY OF SAN BERNARDINO:**

2 **Hearing on Confirmation of the City's Plan for the Adjustment of Debts**

3 **PLEASE TAKE NOTICE THAT** a hearing to consider confirmation of the
4 *Third Amended Plan for the Adjustment of Debts of the City of San Bernardino,*
5 *California (July 29, 2016)* (the "Plan") will commence on **October 14, 2016 at**
6 **10:00 a.m.**, and may be continued from time to time without further notice other
7 than as may be given at the hearing and/or in the docket of the City of San
8 Bernardino's ("City") chapter 9 bankruptcy case (the "Confirmation Hearing").
9 The hearing will be conducted in Courtroom 301 of the U.S. Bankruptcy Court,
10 located at 3420 Twelfth Street, Riverside, CA 92501, the Honorable Meredith A.
11 Jury, United States Bankruptcy Judge, presiding. The Plan may be modified if
12 necessary, prior to, during or as a result of the Confirmation Hearing.

13 **Deadline to File Objections to Confirmation of the Plan**

14 **PLEASE TAKE FURTHER NOTICE THAT**, if you wish to file with the
15 Bankruptcy Court an objection to confirmation of the Plan, you must file such
16 objection **by no later than Friday, September 2, 2016**. The absence of an
17 objection to confirmation of the Plan filed on or before such deadline may be
18 deemed by the Bankruptcy Court to be (i) a waiver of objections to confirmation of
19 the Plan and/or (ii) consent to confirmation of the Plan.

20 **Access to Plan Documents**

21 **PLEASE TAKE FURTHER NOTICE THAT**, on July 7, 2016, the
22 Bankruptcy Court entered an order approving the City's Third Amended
23 Disclosure Statement (July 29, 2016) with respect to the Plan (the "Disclosure
24 Statement"). Copies of the Plan, the Disclosure Statement, an Appendix of
25 Exhibits related to the Plan and Disclosure Statement, and a Notice of Voting
26 Procedures, all dated July 29, 2016, are available on the docket of the City's

1 bankruptcy case, and copies may also be obtained at the Rust Omni website or you
2 may contact Rust Omni to obtain copies.¹

3 **Deadline to Object to Assumption, Assignment or**
4 **Rejection of Executory Contract or Unexpired Lease**

5 **PLEASE TAKE FURTHER NOTICE THAT** parties to executory
6 contracts or unexpired leases with the City whose contracts or leases are being
7 assumed, assigned or rejected pursuant to the Plan and who wish to object thereto
8 (including an objection to any proposed cure amount) must file their objection with
9 the Bankruptcy Court **by no later than Friday, September 2, 2016**. The absence
10 of an objection filed and served by such deadline may be deemed by the Court to
11 be consent to such assumption, assignment or rejection. The contracts and leases
12 that are being assumed, assigned or rejected under the Plan are listed in Exhibits
13 37, 38 and 39 of the Appendix of Exhibits.

14 **Deadline to Vote to Accept or Reject the Plan**

15 **PLEASE TAKE FURTHER NOTICE THAT**, for creditors who received
16 ballots to vote on the Plan, the Bankruptcy Court set 4:00 p.m. Pacific Time,
17 Friday, September 2, 2016, as the deadline by which completed ballots must be
18 received by the Ballot Tabulator at the following address: Rust Consulting / Omni
19 Bankruptcy, 5955 De Soto Ave., Suite 100, Woodland Hills, CA 91367.

20 **Effect of Confirmation of the Plan; the Plan Proposes an Injunction**

21 **PLEASE TAKE FURTHER NOTICE THAT** confirmation of the Plan
22 will have a number of important and binding effects that are provided for in

23 _____
24 ¹ To access the documents on the Rust Omni website, go to <http://www.omnimgt.com>.
25 Under Featured Debtor Cases, select the City of San Bernardino, and then on the City of
26 San Bernardino website select Plan and Disclosure Statement. Select the documents filed
27 on July 29, 2016. You can also contact Rust Omni by phone at (818) 906-8300, by fax at
28 (818) 783-2737, or by mail at Rust Consulting/Omni Bankruptcy, 5955 DeSoto Avenue,
Suite 100, Woodland Hills, California, 91367 (Attention: San Bernardino Bankruptcy
Case Team).

1 Section XI of the Plan. Pursuant to Section XI of the Plan (**including the Release**
2 **contained in Section XI.B., the Injunction contained in Section XI.C. and the**
3 **Settlement contained in Section XI.F.**), the injunction against pursuing the City
4 for claims that are discharged under the Bankruptcy Code is extended to also
5 enjoin creditor recourse against the “Indemnified Parties.” Indemnified Parties are
6 defined under the Plan to mean “the current and former officers and employees of
7 the City who are entitled to Indemnification,” and Indemnification is defined under
8 the Plan to mean “rights of indemnity, defense, reimbursement, and advancement
9 of fees and expenses of current and former officers and employees of the City with
10 respect to any claims or lawsuits brought against such officers and employees by
11 third parties, in each case arising out of an act or omission occurring within the
12 scope of such officer’s or employee’s employment as an employee of the City.” In
13 addition to protecting the City, Section XI of the Plan also has the effect of
14 protecting City officers and employees from personal liability on claims that arose
15 within the scope of their employment prior to confirmation of the Plan.

16 Section X.D. of the Plan provides that all injunctions or stays provided for in
17 the City’s chapter 9 bankruptcy case will continue in effect after the Effective Date
18 of the Plan with respect to the proposed alternative dispute resolution procedures
19 for resolving claims (the ADR Procedures), the determination of the City’s liability
20 (or lack thereof) on any Pre-Confirmation Date Claim, and the allowance or
21 disallowance of any such Pre-Confirmation Date Claims.

22 Section XI.E. of the Plan, entitled Exculpation, provides certain protections
23 from claims for the persons and entities listed in Section XI.E. that participated in
24 the City’s restructuring efforts.

25 All persons and entities that hold claims against the City or the Indemnified
26 Parties that arose prior to confirmation of the Plan are subject to the provisions of
27 Section XI of the Plan.

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Dated: July 29, 2016 STRADLING YOCCA CARLSON & RAUTH, P.C.

By: /s/ Paul Glassman
Paul Glassman
Fred Neufeld

Attorneys for the City of San Bernardino, California

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., 4th Floor, Santa Monica, CA 90401.

A true and correct copy of the foregoing document entitled NOTICE OF: (1) OCTOBER 14, 2016 HEARING TO CONSIDER CONFIRMATION OF "THIRD AMENDED PLAN FOR THE ADJUSTMENT OF DEBTS OF THE CITY OF SAN BERNARDINO, CALIFORNIA (JULY 29, 2016)"; (2) SEPTEMBER 2, 2016 DEADLINE FOR FILING OBJECTIONS TO CONFIRMATION OF THE THIRD AMENDED PLAN; (3) OTHER DEADLINES; AND (4) EFFECT OF CONFIRMATION OF THE PLAN 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 July 29, 2016, 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:

The United States trustee will be served electronically by the court to:

United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

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Franklin C Adams on behalf of Big Independent Cities Excess Pool Joint Powers Authority ("BICEP")
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Julie A Belezzuoli on behalf of Defendant Office of State Controller, State of California
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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

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

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

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Annie Verdries on behalf of Interested Party Courtesy NEF

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

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Clarisse Young on behalf of Interested Party Courtesy NEF
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Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On July 29, 2016, I served [or will serve] 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 July 29, 2016, 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.

PRESIDING JUDGE'S COPY

Honorable Meredith A. Jury

U.S. Bankruptcy Court

3420 Twelfth Street, Suite 325

Riverside, CA 92501-3819

Via overnight delivery service with Golden State Overnight (www.gso.com) Delivery Tracking number: 532765457

UNITED STATES TRUSTEE

Office of the United States Trustee (Overnight Delivery Service)

3801 University Avenue, Suite 720

Riverside, CA 92501

Via overnight delivery service with Golden State Overnight (www.gso.com) Delivery Tracking number: 532764062

ATTORNEYS FOR UNITED PACIFIC RAILROAD COMPANY (Via Email)

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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.

July 29, 2016

Date

Christine Pesis

Printed Name

/s/ Christine Pesis

Signature

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