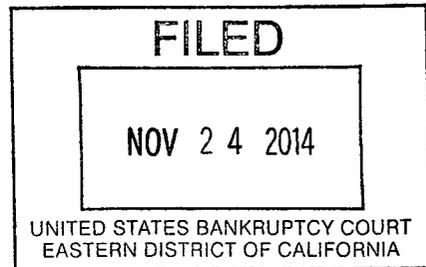


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BRES



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No.	12-32118-C-9
City of Stockton, California	)	ADV. No.	
	)	BAP No.	EC-14-1550
	)		
Debtor(s)	)		

**RECEIPT OF PLEADINGS AND DOCUMENTS**  
**FROM THE UNITED STATES BANKRUPTCY APPELLATE PANEL**

The following documents were received by the United States Bankruptcy Court from the United States Bankruptcy Appellate Panel on 11/21/14

Opening Letter

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Dated: 11/24/14

FOR THE COURT

WAYNE BLACKWELDER, CLERK  
U.S. BANKRUPTCY COURT

By: Barbara Reynolds  
Deputy Clerk  
BARBARA REYNOLDS

**U.S. Bankruptcy Appellate Panel  
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105  
Appeals from Central California (626) 229-7220  
Appeals from all other Districts (626) 229-7225

**RE:** CITY OF STOCKTON, CALIFORNIA

**Appellant:** FRANKLIN HIGH YIELD  
TAX-FREE INCOME FUND; FRANKLIN  
CALIFORNIA HIGH YIELD MUNICIPAL  
FUND

**BAP No.:** EC-14-1550

**Bk. No.:** 12-32118

**Adv. No.(s):**

**OPENING LETTER**

Notice of Appeal in this case has been received by the Bankruptcy Appellate Panel (BAP) and assigned the case number above.

For all BAP cases filed on or after March 31, 2010, electronic filing using the BAP's Case Management/Electronic Case Filing (CM/ECF) docketing system is **mandatory** for all attorneys. Please review the Administrative Order Regarding Electronic Filing in BAP Cases available on the BAP website [www.bap9.uscourts.gov](http://www.bap9.uscourts.gov) for further information.

For non-attorneys, all papers filed with the BAP should be in the form of an original and three copies.

The BAP docket and other court information is available through the National PACER system. <http://www.bap9.uscourts.gov>

Enclosed are the 9<sup>th</sup> Cir. BAP Rules governing practice before the BAP. Appeals are also governed by Parts VIII and IX of the Federal Rules of Bankruptcy Procedure (F.R.B.P.), and some parts of the Federal Rules of Appellate Procedure (F.R.A.P.) See 9<sup>th</sup> Cir. BAP Rule 8018(b)-1.

Pursuant to 9<sup>th</sup> Cir. Rule 8001(a)-1, please immediately send the BAP Clerk a copy of the signed and entered order or judgment being appealed if it was not attached to your notice of appeal.

After a Notice of Appeal has been filed, the parties' next step in prosecuting this appeal is compliance with F.R.B.P 8006 and 8007, which require Appellant to file within 14 days in the bankruptcy court a designation of the record, statement of issues on appeal, and a notice regarding the ordering of transcripts. Under these rules Appellee may also file a supplemental

designation of the record and order transcripts. The party ordering the transcripts must make satisfactory arrangements for payment of their costs.

Even if transcripts are not ordered, Appellant is required to file with the bankruptcy court a notice stating that none are required. See also 9<sup>th</sup> Cir. BAP R. 8006-1.

The parties should note that the designation of the record under F.R.B.P. 8006 is a necessary procedural step in prosecuting an appeal and the parties may not later include in their excerpts of the record documents which have not been designated.

The record and bankruptcy file remain with the Clerk of the bankruptcy court and the Panel reviews only those items which are reproduced and included in the excerpts of the record filed at the time of the briefs. While the Panel may call up the formal record, in practice this rarely occurs.

Further, it is the parties' responsibility to monitor the appeal to ensure that transcripts are timely filed and the record is completed in a timely manner. Under F.R.B.P. 8007(a), the court reporter is required to file transcripts within 30 days of receipt of the parties' request, unless an extension has been granted.

After the record is complete, the Clerk of the bankruptcy court will send a Certificate of Record, sometimes referred to as a Certificate of Readiness or Certificate of Transcripts, to the BAP Clerk.

Appeals are set for hearing in the bankruptcy district from which the appeal arose whenever feasible. To expedite the appeal or if the parties feel argument is unnecessary, they may file a stipulation or motion to submit their appeal on the briefs and record, thereby waiving oral argument. The Panel will also consider stipulations requesting an alternative hearing location or hearing by telephone conference. Such motions should be filed at the earliest possible scheduled date, generally with the opening brief, as once a case has been scheduled for argument, continuance and request of change time and place are rarely granted.

#### CERTIFICATE OF MAILING

The undersigned, deputy clerk of the U.S. Bankruptcy Appellate Panel of the Ninth Circuit, hereby certifies that a copy of the document on which this certificate appears was transmitted this date to all parties of record to this appeal.

**By:** Vicky Jackson-Walker, Deputy Clerk

**Date:** November 21, 2014

**U.S. Bankruptcy Appellate Panel  
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105  
Appeals from Central California (626) 229-7220  
Appeals from all other Districts (626) 229-7225

**To:** Party Counsel

**Debtor(s):** CITY OF STOCKTON, CALIFORNIA

**BAP No.:** EC-14-1550

**Case:** Franklin High Yield Tax-Free I, et al v. California Public Employee's R, et al

**Bk. Ct. No.:** 12-32118

**ADV. NO.:**

**NOTICE OF AVAILABILITY OF APPELLATE MEDIATION PROGRAM**

The Ninth Circuit Bankruptcy Appellate Panel (the BAP) offers an opportunity to mediate this appellate dispute. There is no cost to the parties. Participation is voluntary; all parties must agree to mediate.

The mediator is Judge Herb Ross, a recalled bankruptcy judge from Alaska with training in mediation and experience in appellate mediation. Judge Ross normally conducts mediation by telephone. The substantive communications with Judge Ross by the parties and their attorneys shall be confidential in the sense that they will not be admissible in any proceeding or conveyed in any manner to the BAP judges or staff.<sup>1</sup>

Participation in mediation does not automatically stay the briefing schedule. Accordingly, you are encouraged to act promptly if you desire to take advantage of this opportunity.

If any party is interested in mediation, please send the BAP a letter indicating your interest in mediation. Alternatively, you may contact Judge Ross directly at "herb\_ross@akb.uscourts.gov" or 907-271-2630.

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<sup>1</sup>The mediator shall be permitted to advise the clerk if the parties have or have not agreed to mediate (without identifying the specific desires of any party concerning their choice), the date of any proposed mediation, and whether the case has settled (in full or part) or not.

**U.S. Bankruptcy Appellate Panel  
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105  
Appeals from Central California (626) 229-7220  
Appeals from all other Districts (626) 229-7225

**To:** Clerk, Sacramento Bankruptcy Court

**Debtor(s):** CITY OF STOCKTON, CALIFORNIA

**BAP No.:** EC-14-1550

**Bk. Ct. No.:** 12-32118

**ADV. NO.:**

**INTERNAL Bk. Ct. NO.:** \*\*\*

The Bankruptcy Appellate Panel has received and docketed the notice of appeal referenced in the attached transmittal. The BAP case number is indicated above for your information.

**IF THE RECORD ON APPEAL IS COMPLETE, PLEASE SEND THE CERTIFICATE OF READINESS**

Susan M Spraul, BAP Clerk

**By:** Vicky Jackson-Walker, Deputy Clerk

**Date:** November 21, 2014