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15 ANIMAL LEGAL DEFENSE FUND
16 EMILY BALLUS
17 CHRISTOPHER McFALL
18 and EILEEN McFALL, PH.D.

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:
CITY OF STOCKTON, CALIFORNIA
Debtor.

CASE NO. 12-32118
DC No. DLA-01
Chapter 9

STIPULATION BETWEEN THE CITY OF STOCKTON AND ANIMAL LEGAL DEFENSE FUND, EMILY BALLUS, CHRISTOPHER MCFALL, AND EILEEN MCFALL FOR RELIEF FROM THE AUTOMATIC STAY

Date: January 28, 2014
Time: 9:30 a.m.
Place: Courtroom 35
501 I Street, 6th Floor
Sacramento, CA 95814

INTRODUCTION

Animal Legal Defense Fund, Emily Ballus, Christopher McFall, and Eileen McFall (collectively, “Plaintiffs”) and the City of Stockton (“City”) hereby enter into this *Stipulation Between the City of Stockton and Animal Legal Defense Fund Emily Ballus, Christopher McFall, and Eileen McFall, for Relief from the Automatic Stay* (the “Stipulation”), and hereby stipulate as follows:

RECITALS

1. Plaintiffs contend, among other things, that since at least February 2008, animals at the City of Stockton Animal Shelter (“Shelter”) were being prematurely and/or wrongly euthanized.

2. Plaintiffs seek relief from the automatic stay in order to allow them to bring writs of mandate and request for injunctive relief in the Superior Court for the county of San Joaquin against the City of Stockton Animal Services Division (“Animal Services”); the City of Stockton Animal Shelter (“Shelter”); Pat Claerbout, in her capacity as Animal Services Supervisor; and DOES 1 through 10, inclusive (collectively, the “Defendants”) pursuant to California Code of Civil Procedure sections 1085, *et seq.*, California Code of Civil Procedure section 526a, and California Public Records Act, California Government Code section 6250, *et seq.* (the “Non-Bankruptcy Action”).

3. If granted, the writs of mandate will direct Defendants to provide Plaintiffs with complete copies of records responsive to all outstanding records requests and to immediately cease and desist from violating certain provisions of the Hayden Act, currently codified in various places throughout the California Civil Code, the California Food and Agriculture Code, the California Penal Code, the California Government Code and the Stockton Municipal Code. The injunction will restrain and prevent Defendants from continuing to illegally expend and/or waste public funds in violation of same.

4. The Non-Bankruptcy Action involves purely state law issues arising out of the Stockton Municipal Code, California Civil Code, the California Food and Agriculture Code, the California Penal Code, the California Government Code and the Hayden Act.

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IN WITNESS WHEREOF, the Parties have caused this Stipulation to be duly executed on
the date set forth below.

Dated: January 8, 2014

/s/ Erik R. Fuehrer

ERIK R. FUEHRER
DLA PIPER LLP (US)
Attorneys for Plaintiffs

Dated: January 8, 2014

/s/ Marc Levinson

MARC LEVINSON
**ORRICK, HERRINGTON & SUTCLIFFE
LLP**
Attorneys for the City of Stockton