

UNITED STATES BANKRUPTCY COURT  
Northern District of California

In re: In re PACIFIC GAS AND ELECTRIC)  
COMPANY, a California corporation )

Bankruptcy No.: 01-30923 DM

R.S. No.:

Hearing Date: November 26, 2003

Time: 1:30 p.m.

Debtor(s) )  
\_\_\_\_\_ )

Relief From Stay Cover Sheet

Instructions: Complete caption and Section A for all motions. Complete Section B for mobile homes, motor vehicles, and personal property. Complete Section C for real property. Utilize Section C as necessary. If moving party is not a secured creditor, briefly summarize the nature of the motion in Section D.

(I) Date Petition Filed: April 6, 2001 Chapter: 11  
Prior hearings on this obligation: Last Day to File §523/§727 Complaints:

(B) Description of personal property collateral (e.g. 1983 Ford Taurus):

Secured Creditor [ ] or lessor [ ]

Fair market value: \$ \_\_\_\_\_

Contract Balance: \$ \_\_\_\_\_

Monthly Payment: \$ \_\_\_\_\_

Insurance Advance: \$ \_\_\_\_\_

Source of value: \_\_\_\_\_

Pre-Petition Default: \$ \_\_\_\_\_

No. of months: \_\_\_\_\_

Post-Petition Default: \$ \_\_\_\_\_

No. of months: \_\_\_\_\_

(C) Description of real property collateral (e.g. Single family residence, Oakland, CA):

Fair market value: \$ \_\_\_\_\_ Source of value: \_\_\_\_\_ If appraisal, date: \_\_\_\_\_

Moving Party's position (first trust deed, second, abstract, etc.):

Approx. Bal. \$ \_\_\_\_\_

As of (date): \_\_\_\_\_

Mo. payment: \$ \_\_\_\_\_

Notice of Default (date): \_\_\_\_\_

Notice of Trustee's Sale: \_\_\_\_\_

Pre-Petition Default: \$ \_\_\_\_\_

No. of months: \_\_\_\_\_

Post-Petition Default: \$ \_\_\_\_\_

No. of months: \_\_\_\_\_

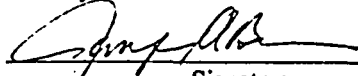
Advances Senior Liens: \$ \_\_\_\_\_

Specify name and status of other liens and encumbrances, if known (e.g. trust deeds, tax liens, etc.):

Position	Amount	Mo. Payment	Defaults
1 <sup>st</sup> Trust Deed: _____	\$ _____	\$ _____	\$ _____
2 <sup>nd</sup> Trust Deed: _____	\$ _____	\$ _____	\$ _____
_____			
_____			
_____			
(Total)	\$ _____	\$ _____	\$ _____

(4) Other pertinent information: Movants CITY OF OAKLAND and PORT OF OAKLAND are defendants in the case of Brotherhood of Teamsters And Auto Truck Drivers Local No. 70 v. City of Oakland et al. currently pending in Alameda County Superior Court, Case no. 2001-023981. Movants seek relief from stay to pursue a cross-complaint against PG&E for indemnity and declaratory relief.

Dated: 10.23.03

  
\_\_\_\_\_  
Signature  
Jennifer A. Becker  
\_\_\_\_\_  
Print or Type Name

Attorney for City of Oakland and Port of Oakland

BKRP01

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Attorneys for Movants  
CITY OF OAKLAND and PORT OF OAKLAND

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re  
PACIFIC GAS AND ELECTRIC  
COMPANY, a California Corporation,  
  
Debtor.

CASE No. 01-30923 DM

Chapter 11 Case

Judge: Hon. Dennis Montali

**CITY OF OAKLAND AND PORT OF  
OAKLAND'S NOTICE OF MOTION AND  
MOTION FOR RELIEF FROM  
AUTOMATIC STAY**

Date: November 26, 2003  
Time: 1:30 p.m.  
Dept: 22

PLEASE TAKE NOTICE that on the above-indicated date and time, or as soon thereafter as the matter may be heard, in Courtroom 22 of the above-referenced Court located at 235 Pine Street, San Francisco, California, City of Oakland and Port of Oakland ("Movants" and/or "Oakland"), will and hereby do move this Court, pursuant to 11U.S.C. §§105(a), 362(d)(1), 28 U.S.C. §1334(c), *Federal Rules of Bankruptcy Procedure*, Rule 4001 and *Local Bankruptcy Rules*, Rule 4001-1, for an order granting Movants relief from the automatic stay in the above-captioned bankruptcy case in order to proceed with their state court indemnity cross-complaint, which is presently pending in the Superior Court of California, County of Alameda (Case No. 2001-023981); for an order abstaining from hearing any matter on the merits of the

1 underlying state court proceeding to which the debtor and Oakland are parties, in the interest of  
2 justice, comity and respect for state law, and because the state court matter could not have been  
3 commenced in a court of the United States. The state court action is captioned Brotherhood of  
4 Teamsters v. City of Oakland, et al. and a cross-complaint was filed against the debtor on  
5 October 9, 2003.


6 This Motion is based on the Notice and Motion, the attached Memorandum of  
7 points and Authorities, the Declaration of Jennifer A. Becker and such other additional evidence  
8 as the Court may properly consider prior to or at the hearing on this matter.

9 PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 4001-1(f)  
10 respondent is not required to, but may, file objections to this motion. Any objections filed must  
11 be serve on counsel for Movants at the address listed at the top left-hand corner of this Notice.  
12 the respondent is advised to appear personally or by counsel at the hearing.

13 Dated: October 23, 2003

LONG & LEVIT LLP

14  
15 By

  
JENNIFER A. BECKER  
Attorneys for Movants  
CITY OF OAKLAND and PORT OF  
OAKLAND

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