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7
8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

11 In re
12 PACIFIC GAS AND ELECTRIC COMPANY,
a California corporation,
13
14 Debtor,

15 Federal I.D. No. 94-0742640

Bankruptcy Case No.
01-30923 SFM11-Chapter 11
[Assigned to: Judge Dennis Montali]

KDG-1

**NOTICE OF MOTION AND
MOTION FOR RELIEF FROM
THE AUTOMATIC STAY**

PRELIMINARY HEARING:

DATE: January 3, 2002

TIME: 1:30 a.m..

PLACE: 235 Pine Street, 22nd Floor
San Francisco, CA

19 TO THE HONORABLE DENNIS MONTALI, UNITED STATES BANKRUPTCY JUDGE, THE
20 UNITED STATES TRUSTEE, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS,
21 THE DEBTOR AND DEBTOR-IN-POSSESSION, AND OTHER INTERESTED PARTIES AND
22 THEIR ATTORNEYS OF RECORD:

23 NOTICE IS HEREBY GIVEN that the Chromium Claimants' Motion for Relief from the
24 Automatic Stay to allow the pending personal injury and wrongful death claims filed against the
25 Debtor, Pacific Gas & Electric Company, to proceed in the Los Angeles Superior Court instead of
26 this Court or the United States District Court for the Eastern District of California will be heard by
27 the Honorable Dennis Montali on January 3, 2002 at 1:30 p.m. in the Bankruptcy Court located at
28 235 Pine Street, 22nd Floor, San Francisco, California.

1 The Chromium Claimants in the above-captioned Chapter 11 case hereby move the Court
2 to modify the automatic stay under 11 USC §362(d) to allow the pending claims filed against the
3 Debtor, Pacific Gas & Electric Company to proceed in the Los Angeles Superior Court for cause.

4 The Chromium Claimants believe that relief from the automatic stay is warranted under 11
5 U.S.C. Section 362(d)(1) because the interests of judicial economy, comity, and efficiency require
6 the claims to be liquidated in the fora in which they were pending on the date that Debtor
7 commenced its Chapter 11 case.

8 This Motion is also based upon the following grounds:

9 1. Neither the District Court nor the Bankruptcy Court should exercise jurisdiction over
10 the Claimants' personal injury and wrongful death claims since these cases are capable of being
11 timely adjudicated in the Los Angeles Superior Court;

12 2. The ends of justice will not be served because complete relief cannot be afforded in
13 the Bankruptcy Court due to the presence of a non-bankrupt defendant in the pending actions;

14 3. Judicial economy will be better served by litigating the personal injury and wrongful
15 death claims in the Los Angeles Superior Court because these cases deal exclusively with state law
16 issues; and

17 4. The Claimants and witnesses are located primarily in Southern California and,
18 therefore, they will suffer great hardship if the actions are heard in the Bankruptcy Court or the
19 District Court.

20 This Motion is further based upon the attached Memorandum of Points and Authorities, the
21 accompanying Declaration of Michael Dolan and the exhibits attached thereto, the Request for
22 Judicial Notice, the papers and pleadings on file herein, and upon any further oral and documentary
23 evidence that may be presented at the hearing of this Motion.

24 WHEREFORE, the Chromium Claimants request that the Court enter as order as follows:

25 1. Modifying the automatic stay to allow the proceedings pending before the Los
26 Angeles Superior on behalf of the Chromium Claimants and the Additional Chromium Claimants
27 (as defined in the Memorandum of Points and Authorities attached hereto) to proceed to judgment;

28 2. For such other and further relief as is just and proper.

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1 Local Bankruptcy Rule 4001-1 provides that written response to this motion may, but need
2 not be filed. However, Debtor and/or Debtor's counsel must appear at the preliminary hearing at
3 the time and date set forth above if Debtor wishes to oppose the granting of the relief set forth in
4 the motion.

5 DATED: December 19, 2001

KLEIN, DeNATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP

By: 

T. Scott Belden, Bankruptcy Counsel
for Chromium Claimants