

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>In re:</b>	)	
	)	
<b>JEFFERSON COUNTY, ALABAMA,</b>	)	<b>Case No. 11-05736-TBB9</b>
<b>a political subdivision of the State of</b>	)	
<b>Alabama,</b>	)	<b>Chapter 9</b>
	)	
<b>Debtor.</b>	)	

**MOTION TO SET EXPEDITED HEARING ON JEFFERSON COUNTY’S MOTION  
FOR AN ORDER ENFORCING THE PLAN AND DISCHARGE INJUNCTION**

Jefferson County, Alabama (the “County”), moves the Court, pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to set for expedited hearing *Jefferson County’s Motion for an Order Enforcing the Plan and Discharge Injunction* (the “Motion”) [Docket No. 2917],<sup>1</sup> as follows:

**BACKGROUND**

1. In the Motion, the County requests an order enforcing the discharge injunction of the Plan, Confirmation Order, and section 944 of the Bankruptcy Code. In particular, Tellabs filed a complaint against the County in October 2011. Tellabs had notice and actual knowledge of the County’s chapter 9 case prior to entry of the Confirmation Order. Accordingly, Tellabs’s claims against the County are discharged pursuant to section 944 of the Bankruptcy Code.
2. The County has notified Tellabs that its claims against the County were discharged. Nonetheless, Tellabs has failed to dismiss its complaint against the County.
3. The County files this motion for expedited hearing (the “Motion to Expedite”) to request that the Court set the Motion for hearing on February 27, 2015 at 10 a.m.

<sup>1</sup> Capitalized terms used herein and not otherwise defined have the meanings ascribed to them in the Motion.



## JURISDICTION AND NOTICE

4. The County brings the Motion to Expedite pursuant Bankruptcy Rule 9006.

5. The Court has jurisdiction over the Motion to Expedite pursuant to 28 U.S.C. § 1334(b). The Motion to Expedite is a core proceeding under 28 U.S.C. § 157(b). Venue of the County's case and the Motion to Expedite is proper before this Court under 28 U.S.C. §§ 1408 and 1409.

6. The County will serve a copy of the Motion to Expedite on counsel for Tellabs.

## ARGUMENT

7. Bankruptcy Rule 9006 specifically provides that the Court, for cause shown, may reduce the notice period normally required for motions. Fed. R. Bankr. P. 9006(c).

8. The County has filed the Motion contemporaneously herewith.

9. The Motion requests an order enforcing the discharge injunction and directing Tellabs to dismiss its pending complaint against the County. On information and belief, Tellabs intends to proceed with a hearing on the Complaint against the County on March 3, 2015. The County could be irreparably harmed if the Motion is not heard by the Court before March 3, 2015.

10. An expedited hearing on the Motion will not prejudice any party and will benefit Tellabs and the County by allowing the Court to clarify the parties' respective rights. Accordingly, cause exists under Bankruptcy Rule 9006 to reduce any applicable notice period for the hearing on the Motion.

**WHEREFORE, PREMISES CONSIDERED,** the County respectfully requests the Court to enter an order in substantially the same form as **Exhibit A** attached hereto:

A. Setting the Motion for hearing on an expedited basis;

- B. Reducing the notice period for the Motion accordingly; and
- C. Providing such other and further relief as the Court deems just and proper.

Respectfully submitted this 24th day of February, 2015.

/s/ Patrick Darby

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*-and-*

**JEFFERSON COUNTY ATTORNEY'S OFFICE**

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*Counsel for Jefferson County, Alabama*

**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing on:

Blake A. Madison  
Chad L. Hobbs  
ROSEN HARWOOD  
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electronically and by Federal Express for next day delivery, on this 24th day of February, 2015.

/s/ Patrick Darby  
\_\_\_\_\_  
Of Counsel

# **EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
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<b>a political subdivision of the State of</b>	)	
<b>Alabama,</b>	)	<b>Chapter 9</b>
	)	
<b>Debtor.</b>	)	

**ORDER SETTING EXPEDITED HEARING ON JEFFERSON COUNTY’S  
MOTION FOR AN ORDER ENFORCING  
THE PLAN AND DISCHARGE INJUNCTION**

THIS MATTER came before the Court on the motion to set for expedited hearing (the “Motion to Expedite”) *Jefferson County’s Motion for an Order Enforcing the Plan and Discharge Injunction* (the “Motion”) [Docket No. 2917], filed by Jefferson County, Alabama. Based on the pleadings of record, the arguments and representations of counsel, for good cause shown and all other matters brought before the Court, the Court has determined that the Motion to Expedite is due to be granted. Upon due deliberation and sufficient notice, it is hereby

**ORDERED, ADJUDGED and DECREED** that the Motion to Expedite is **GRANTED**; and it is further

**ORDERED, ADJUDGED and DECREED** that the Motion is set for hearing in Courtroom No. 2, located at the Robert S. Vance Federal Building, 1800 Fifth Avenue North, Birmingham, Alabama 35203, on February 27, 2015 at 10:00 a.m., and that the applicable notice period for hearing the Motion is reduced accordingly.

**DONE AND ORDERED** this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
HONORABLE THOMAS B. BENNETT  
UNITED STATES BANKRUPTCY JUDGE