

**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 Proceeding</b>
	)	
<b>Debtor.</b>	)	

**ORDER APPROVING DEBTOR’S MOTION TO SET DEADLINE AND PROCEDURES  
FOR FILING OBJECTIONS TO THE PETITION AND TO APPROVE FORM AND  
PUBLICATION OF NOTICE REQUIRED BY 11 U.S.C. § 923**

THIS MATTER came before the Court on the Motion of Debtor to Set Deadline and Procedures for Filing Objections to the Petition and to Approve Form and Publication of Notice Required by 11 U.S.C. § 923 (the “Motion”)<sup>1</sup> filed by Jefferson County, Alabama (the “County”). Based on the pleadings of record, the arguments and representations of counsel, all other matters brought before the Court, and for good cause shown, the Court finds, determines and concludes that notice of the relief requested in the Motion was good and sufficient under the particular circumstances; the relief sought in the Motion is in the best interests of the County, its creditors, and all parties in interest; the legal and factual grounds set forth in the Motion establish just cause for the relief granted herein; and the Motion is due to be **GRANTED**.

**WHEREFORE**, based upon the foregoing findings of fact and conclusions of law, it is hereby

**ORDERED, ADJUDGED and DECREED** that any objections to the County’s Chapter 9 petition must be filed with the Clerk of the United States Bankruptcy Court for the Northern

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



District of Alabama, Southern Division, by no later than December 9, 2011 at 5:00 p.m. Central time (the “Objection Deadline”); and it is further

**ORDERED, ADJUDGED and DECREED** that any objections to the County’s petition (i) shall state the basis of the objection and, with respect to any objection asserted under 11 U.S.C. § 109(c)(5), 11 U.S.C. § 921(c), or any other statutory provision relied upon by an objecting party, shall state with specificity the facts and legal authorities in support of the objection; (ii) shall comply with the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and (iii) shall be served on the attorneys for the County by mailing a copy of the same to: (a) Bradley Arant Boult Cummings LLP, Attention: Patrick Darby, 1819 Fifth Avenue North, Birmingham, Alabama 35203, and (b) Klee, Tuchin, Bogdanoff & Stern LLP, Attention: Kenneth Klee, 1999 Avenue of the Stars, Thirty-Ninth Floor, Los Angeles, CA 90067-5061; and it is further

**ORDERED, ADJUDGED and DECREED** that failure to comply with the requirements of the immediately preceding portion of this Order without justifiable and good cause may be deemed a waiver of an objection and result in exclusion of evidence related thereto; and it is further

**ORDERED, ADJUDGED and DECREED** that, if any objections to the County’s petition are filed with the Clerk of Court on or before the Objection Deadline in accordance with this Order, the Court shall hold a final, evidentiary hearing on such objections on December 15-16, 2011, beginning at 8:00 a.m. Central time each day, in Courtroom number 1, located at 505 20th Street North, 4th Floor, Birmingham, Alabama 35203 (the “Final Hearing”); and it is further

**ORDERED, ADJUDGED and DECREED** that any objections to the petition must be advocated in person at all hearings on such objections, including without limitation the Final Hearing, or they automatically shall be deemed overruled; and it is further

**ORDERED, ADJUDGED and DECREED** that the form of the Notice attached hereto as Exhibit A is hereby APPROVED pursuant to Section 923 of the Bankruptcy Code; and it is further

**ORDERED, ADJUDGED and DECREED** that the County shall cause the Notice to be published for three consecutive weeks, with the first publication to occur as soon as practicable, in both *The Bond Buyer* and *The Birmingham News* and shall file with the Court proof of publication not later than fourteen (14) calendar days after the last publication; and it is further

**ORDERED, ADJUDGED and DECREED** that the County shall also cause the Notice to be mailed to the parties listed on the County's creditor matrix in this case as soon as practicable and shall file with the Court proof of publication not later than fourteen (14) calendar days after the mailing; and it is further

**ORDERED, ADJUDGED and DECREED** that the service and publication of the Notice in accordance herewith provides sufficient notice of the County's case and satisfies the requirements of Section 923 of the Bankruptcy Code; and it is further

**ORDERED, ADJUDGED and DECREED** that, in the absence of any timely and proper objection to the County's Chapter 9 petition by the Objection Deadline or should the Court overrule any and all timely and proper objections to the petition, the Notice shall serve as notice of the entry of an order for relief in the County's case; and it is further

**ORDERED, ADJUDGED and DECREED** that this Order is without prejudice to the rights of the County pursuant to Section 904 of the Bankruptcy Code, and nothing herein is

intended as or shall be deemed to constitute the County's consent pursuant to Section 904 of the Bankruptcy Code to this Court's interference with (1) any of the political or governmental powers of the County, (2) any of the property or revenues of the County, or (3) the county's use or enjoyment of any income-producing property.

**Dated: November 11, 2011**

**/s/ Thomas B. Bennett**  
**Thomas B. Bennett**  
**U.S. Bankruptcy Judge**

**EXHIBIT A**  
**[Form of Notice]**

**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 Proceeding</b>
	)	
<b>Debtor.</b>	)	

**NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9,  
NOTICE OF AUTOMATIC STAY, NOTICE OF DEADLINE AND PROCEDURES  
FOR FILING OBJECTIONS TO THE PETITION, AND  
NOTICE OF DEBTOR'S MOTION TO LIMIT NOTICE**

**TO ALL CREDITORS OF JEFFERSON COUNTY, ALABAMA, AND TO PARTIES IN INTEREST, PLEASE TAKE NOTICE THAT:**

**COMMENCEMENT OF CHAPTER 9 CASE.** On November 9, 2011, Jefferson County, Alabama (the "County") commenced a case under Chapter 9 of Title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Northern District of Alabama, Southern Division (the "Bankruptcy Court"). The Chapter 9 case is pending before the Honorable Thomas B. Bennett, United States Bankruptcy Judge. All documents filed with the Court are available for inspection via the PACER system, which may be accessed on a subscription basis at the following internet address: [www.alnb.uscourts.gov](http://www.alnb.uscourts.gov). The County is in the process of adding a link to its website [www.jeffcoonline.jccal.com](http://www.jeffcoonline.jccal.com) through which key pleadings, orders, notices, lists, and other documents regarding the County's Chapter 9 case and related proceedings before the Bankruptcy Court in this case will be made available.

**AUTOMATIC STAY.** Pursuant to Sections 362 and 922 of the Bankruptcy Code, 11 U.S.C. §§ 101-1532, the filing of the County's Chapter 9 petition operates as an automatic stay

of actions against the County, including, among other things, the commencement or continuation of any judicial, administrative, or other action against the County or against an officer or inhabitant of the County that seeks to enforce a claim against the County, any act to obtain property of or from the County, any act to create, perfect, or enforce any lien against property of the County, and any act to collect, assess, or recover a claim against the County that arose before the commencement of the County's bankruptcy case.

**PURPOSE OF THE CHAPTER 9 FILING.** Chapter 9 of the Bankruptcy Code provides a means for a municipality, such as the County, that has encountered financial difficulty to work with its creditors to adjust its debts. The primary purpose of Chapter 9 is to allow the municipality to continue its operations and its provision of services while it adjusts or restructures creditor obligations. In a Chapter 9 case, the jurisdiction and powers of the bankruptcy court are limited such that the court may not interfere with any of the political or governmental powers of the County, or the County's use or enjoyment of any income-producing property. The County intends to propose a plan for the adjustment of its debts. Future notice concerning any such plan will be provided to all known creditors. During the bankruptcy case, the County will remain in possession and control of its property, and will maintain its operations for the benefit of the public.

**DEADLINES FOR OBJECTIONS TO PETITION AND NOTICE OF ORDER FOR RELIEF.** Any objections to the County's Chapter 9 petition must be filed with the Clerk of the United States Bankruptcy Court for the Northern District of Alabama, Southern Division, by no later than December 9, 2011 at 5:00 p.m., Central time (the "Objection Deadline"). Any such objection (i) shall state the basis of the objection and, with respect to any objection asserted under 11 U.S.C. § 109(c)(5) or 11 U.S.C. § 921(c), shall state with specificity the facts and legal

authorities in support of the objection; (ii) shall comply with the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, and (iii) shall be served on the attorneys for the County by mailing a copy of the same to: (a) Bradley Arant Boult Cummings LLP, Attention: Patrick Darby, 1819 Fifth Avenue North, Birmingham, Alabama 35203, and (b) Klee, Tuchin, Bogdanoff & Stern LLP, Attention: Kenneth Klee, 1999 Avenue of the Stars, Thirty-Ninth Floor, Los Angeles, California 90067-5061. If any objections to the County's petition are filed with the Clerk of Court on or before the Objection Deadline in accordance with this Order, the Court shall hold a final, evidentiary hearing on such objections on December 15-16, 2011, beginning at 8:00 a.m. Central time each day, in Courtroom number 1, located at 505 20th Street North, 4th Floor, Birmingham, Alabama 35203. Objections must be advocated in person at all hearings on the objections, or they automatically shall be deemed overruled. If no objection is timely and properly filed, or if the Court overrules any and all objections that are timely and properly filed, then the filing of the petition shall be deemed an order for relief under Chapter 9 of the Bankruptcy Code, and this notice shall be deemed notice of such order for relief. Failure to file a timely and proper objection will result in the order for relief being entered.

**MOTION TO LIMIT NOTICE.** By separate motion, the County has requested the Bankruptcy Court to enter an order limiting notice of filings in the County's bankruptcy case to certain creditors and interested parties. Any other creditor or party in interest that wishes to receive notice in this Chapter 9 case should file with the Clerk of Court a notice of appearance and request for service of papers in accordance with Bankruptcy Rules 2002 and 9010(b). The request shall include the following: (a) the party's name and address; (b) the name of the client, if applicable; (c) an e-mail address at which the requesting party may be served; (d) an address by which the requesting party may be served by U.S. mail, hand delivery and overnight delivery;



(e) the party's relationship to the County's case, i.e., trade creditor, warrant holder, interested party; and (f) a facsimile number for the requesting party, if available. Notwithstanding Bankruptcy Rules 2002 and 9019(b), no request for service filed in this Chapter 9 case shall have any effect unless the foregoing requirements are satisfied. Any individual or entity filing a notice of appearance pursuant to Bankruptcy Rule 2002 that does not maintain and cannot practicably obtain an e-mail address must include in its notice of appearance a certification stating the same. Notice will be provided to that individual or entity by U.S. mail, overnight delivery, hand delivery or facsimile, with the choice of the mode of service to be made by the County in the County's sole discretion.

Inquiries about the matters described herein may be directed to the County's bankruptcy co-counsel: Patrick Darby, Bradley Arant Boult Cummings LLP, 1819 Fifth Avenue North, Birmingham, Alabama 35203, [pdarby@babbc.com](mailto:pdarby@babbc.com), and Kenneth Klee, Klee, Tuchin, Bogdanoff & Stern LLP, 1999 Avenue of the Stars, Thirty-Ninth Floor, Los Angeles, California 90067-5061, [kklee@ktbslaw.com](mailto:kklee@ktbslaw.com).

**Dated: November 11, 2011**

**/s/ Thomas B. Bennett**  
**Thomas B. Bennett**  
**U.S. Bankruptcy Judge**

# Notice Recipients

District/Off: 1126-2  
Case: 11-05736-TBB9

User: ldivers  
Form ID: pdf000

Date Created: 11/11/2011  
Total: 33

## Recipients of Notice of Electronic Filing:

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aty	William W Kannel	wkannel@mintz.com
aty	Wilson F. Green	wgreen@fleenorgreen.com

TOTAL: 25

## Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Jefferson County, Alabama	Room 280 Courthouse	716 North Richard Arrington Jr.	Birmingham,
	AL 35203			
cr	Regions Bank	c/o Jayna Lamar	1901 6th Ave North	Suite 2400 Birmingham, AL 35203
cr	Bank of New York Mellon, as Indenture Trustee	c/o Waller Lansden Dortch & Davis, LLP		Attn: Ryan
	Cochran	511 Union Street, Suite 2700	Nashville, TN 37219	
cr	Assured Guaranty Municipal Corp.	31 West 52nd Street	New York, NY 10019	
aty	Kenneth Klee	1999 Avenue of the Stars 39th Floor	Los Angeles, CA 90067-6049	
cr	Ambac Assurance Corporation	c/o Najjar Denaburg PC	2125 Morris Avenue	Birmingham, AL
	35203			
cr	J.P. Morgan Securities, Inc.	c/o Clark R. Hammond	569 Brookwood Village, Ste 901	Birmingham,
	AL 35209			
cr	JPMorgan Chase Bank, N.A.	c/o Clark R. Hammond, Esq.	569 Brookwood Village, Ste	
	901	Birmingham, AL 35209		

TOTAL: 8