

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re

VENOCO, LLC, *et. al.*,

Debtors.<sup>1</sup>

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EUGENE DAVIS, in his capacity as Liquidating  
Trustee of the Venoco Liquidating Trust,

Plaintiff,

v.

STATE OF CALIFORNIA and CALIFORNIA  
STATE LANDS COMMISSION,

Defendant.

Chapter 11

Case No. 17-10828 (KG)

(Jointly Administered)

JURY TRIAL DEMANDED

Adv. Pro. No. 18-50908 (KG)

**Relates to D.I. 1**

**CALIFORNIA STATE LANDS COMMISSION'S MOTION TO DISMISS**

The California State Lands Commission (the “**Commission**”), through its undersigned counsel, hereby moves to dismiss with prejudice, pursuant to Federal Rule of Civil Procedure 12(b), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012(b), and for the reasons set forth in the California State Lands Commission’s Opening Brief in Support of Motion to Dismiss filed contemporaneously herewith and incorporated herein by reference, *Plaintiff’s Original Complaint for Inverse Condemnation* (the “**Complaint**”) [Adv. Pro. D.I. 1] filed against the Commission and the State of California.

WHEREFORE, the Commission respectfully requests (i) entry of an order, substantially in the form attached hereto as **Exhibit A**, dismissing the Complaint with prejudice; and (ii) that it be granted such other and further relief as the Court deems just and appropriate.

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<sup>1</sup> The debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number are: Venoco, LLC (3555); TexCal Energy (LP) LLC (0806); Whittier Pipeline Corporation (1560); TexCal Energy (GP) LLC (0808); Ellwood Pipeline, Inc. (5631); and TexCal Energy South Texas, L.P. (0812) (collectively, the “Debtors”). The mailing address for the Venoco Liquidating Trust, for purposes of these Chapter 11 cases, is 5 Canoe Brook Drive, Livingston, NJ 07039.

Dated: November 15, 2018  
Wilmington, Delaware

Respectfully submitted,

PEPPER HAMILTON LLP

/s/ David M. Fournier

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-and-

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*Co-Counsel to California State Lands Commission*

**EXHIBIT A**  
**PROPOSED ORDER**

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**Relates to D.I. 1 & \_\_\_\_**

**ORDER GRANTING CALIFORNIA STATE LANDS  
COMMISSION'S MOTION TO DISMISS**

Upon consideration of the *California State Lands Commission's Motion to Dismiss* (the "**Motion to Dismiss**"), any and all objections thereto, and with cause being shown heretofore, it is hereby ORDERED that:

1. The Motion to Dismiss is GRANTED.
2. The *Plaintiff's Original Complaint for Inverse Condemnation* [Adv. Pr. D.I. 1] filed against the California State Lands Commission and the State of California is hereby dismissed with prejudice.