

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT

In the Matter of:

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846-swr

Hon. Steven W. Rhodes

MOTION FOR EX PARTE ORDER TO ADJOURN HEARING ON THOMAS GERALD MOORE'S MOTION (DOC. #1035) FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW CIVIL LITIGATION TO PROCEED FOR DISCOVERY PURPOSES AND/OR TO RECOVER ANY INSURANCE COVERAGE UNDER DEFENDANTS' HOMEOWNERS INSURANCE POLICIES

NOW COMES Thomas Gerald Moore, ("Moore"), by and through counsel, Jay S. Kalish, and for his Motion for an Ex Parte Order to Adjourn the Hearing on his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants' Homeowners Insurance Policies (Doc. #1035), and says as follows:

1. On September 26, 2013, at Doc. #1035, Moore filed his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants' Homeowners Insurance Policies (the "Motion").
2. On October 10, 2013, at Doc. #1145, the Debtor filed its Objection to the Motion.
3. On October 12, 2013, at Doc. #1178, the Detroit Police Officer's Association filed an Objection to the Motion.
4. On October 21, 2013, at Doc. #1278, the Court set a hearing date of November 13, 2013 at 10:00 a.m. (the "Hearing") as the date and time for a hearing on the Motion.

5. On October 23, 2013, at Doc. #1335, the Court rescheduled the Hearing for November 14, 2013 at 10:00 a.m. (the “Adjourned Hearing”).
6. Counsel for Movant, Jay S. Kalish, and Counsel for the Debtor, Timothy A. Fusco, have been engaged in settlement discussions which, if successful, could obviate the need for the Court to hold the Hearing.
7. Mr. Fusco has authorized undersigned counsel to advise the Court that he does not object to the Adjourned Hearing on the Motion being adjourned to a date in December when the Court is next available to hear the Motion.
8. This Motion is supported by the files and records of this cause, the rules of this Honorable Court and the Affidavit of Jay S. Kalish attached hereto.

WHEREFORE, Movant respectfully pray that this Court enter an Ex Parte Order Adjourning the Hearing on Thomas Gerald Moore’s Motion to Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants’ Homeowners Insurance Policies to a date in December when the Court is next available to hear the Motion and for such additional relief as the Court deems just and equitable.

Respectfully Submitted,

JAY S. KALISH & ASSOCIATES, P.C.

/s/ Jay S. Kalish
JAY S. KALISH
Attorney for Thomas Gerald Moore
28592 Orchard Lake Road, Suite 360
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Dated: November 11, 2013

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Hon. Steven W. Rhodes

**EX PARTE ORDER TO TO ADJOURN HEARING ON THOMAS GERALD MOORE'S
MOTION (DOC. #1035) FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW CIVIL
LITIGATION TO PROCEED FOR DISCOVERY PURPOSES AND/OR TO RECOVER ANY
INSURANCE COVERAGE UNDER DEFENDANTS'
HOMEOWNERS INSURANCE POLICIES**

This matter having come before the Court on the Thomas Gerald Moore's Motion for an Ex Parte Order to Adjourn the Hearing on his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants' Homeowners Insurance Policies (Doc. #1035) (the "Motion") and the Court having considered the Motion and the Affidavit attached thereto and the Court being duly advised in the premises:

IT IS ORDERED THAT the hearing on the Motion now scheduled for Thursday, November 14, 2013 at 10:00 a.m. be and the same hereby is adjourned to _____,
at _____.

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In the Matter of:

CITY OF DETROIT, MICHIGAN,

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Chapter 9
Case No. 13-53846-swr
Hon. Steven W. Rhodes

**AFFIDAVIT OF JAY S. KALISH IN SUPPORT OF MOTION FOR EX PARTE ORDER TO
ADJOURN HEARING ON THOMAS GERALD MOORE’S MOTION (DOC. #1035) FOR
RELIEF FROM THE AUTOMATIC STAY TO ALLOW CIVIL LITIGATION TO PROCEED
FOR DISCOVERY PURPOSES AND/OR TO RECOVER ANY INSURANCE COVERAGE
UNDER DEFENDANTS’ HOMEOWNERS INSURANCE POLICIES**

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

Jay S. Kalish, being first duly sworn, deposes and says as follows:

1. He is the attorney for movant, Thomas Gerald Moore, (“Moore”), in the above captioned matter.
2. He is competent to provide this Court with the following information.
3. On September 26, 2013, at Doc. #1035, Moore filed his Motion For Relief from the Automatic Stay to Allow Civil Litigation to Proceed for Discovery Purposes and/or To Recover Any Insurance Coverage under the Defendants’ Homeowners Insurance Policies (the “Motion”).
4. On October 10, 2013, at Doc. #1145, the Debtor filed its Objection to the Motion.
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6. On October 21, 2013, at Doc. #1278, the Court set a hearing date of November 13, 2013 at 10:00 a.m. (the “Hearing”) as the date and time for a hearing on the Motion and on October 23, 2013, at Doc. #1335, the Court rescheduled the Hearing for November 14, 2013 at 10:00 a.m. (the “Adjourned Hearing”).

7. He and Timothy Fusco, Counsel for the Debtor have been engaged in settlement discussions which, if successful, will obviate the need for the Court to hold the Hearing.
8. Mr. Fusco does not object to the Adjourned Hearing on the Motion being adjourned to a date in December when the Court is next available to hear the Motion.
9. Further, deponent sayeth not.

/s/ Jay S. Kalish
JAY S. KALISH

Subscribed and sworn to before me
this 11th day of November, 2013
/s/ Mimi D. Kalish
Mimi D. Kalish, Notary Public
Oakland County, MI
My commission expires 2/27/2020