

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re)
) Chapter 9
)
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
)
Debtor.) Hon. Steven W. Rhodes
)
) Expedited Consideration
) Requested

***EX PARTE* MOTION FOR SHORTENED NOTICE AND EXPEDITED
HEARING ON MOTION OF THE OBJECTORS TO COMPEL THE
PRODUCTION OF A PRIVILEGE LOG**

The Objectors¹ submit this *Ex Parte* Motion for an Order Shortening the Notice Period and Scheduling an Expedited Hearing with Respect to the *Motion of the Objectors to Compel the Production of a Privilege Log* (the “Motion to Compel”) and respectfully represent as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested and Basis for Relief

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local

¹ Capitalized terms not defined herein have the meanings given to them in the Objectors’ Motion to Compel.

Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R. Bankr. P. 9006(c); E.D. Mich. LBR 9006-1(b).

3. The Objectors respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Motion to Compel and schedule an expedited hearing on the DIP Discovery Motion on **December 3, 2013**.

4. Contemporaneously with the filing of this *Ex Parte* Motion, the Objectors filed the Motion to Compel. For the reasons stated in the Motion to Compel, the Objectors seek the entry of an order compelling the City to produce a privilege log in connection with its production of documents related to the DIP Motion. The City has not provided a basis for withholding multiple documents in its production of documents to the Objectors.

5. Depositions related to the City's DIP Motion are scheduled to begin on December 4, 2013 pursuant to the parties' agreement and this Court's Order at the November 27, 2013 hearing on the City's Trial Procedures Motion. In order to adequately assess whether the City properly withheld relevant documents on the grounds of privilege in sufficient time, good cause exists to shorten the notice period and schedule a hearing on the Motion to Compel for December 3, 2013. This would permit the Objectors to properly assess whether the City properly

withheld documents on the basis of privilege in advance of some of the depositions or, if necessary, re-open any of the depositions [Doc. No. 1773].

6. The Objectors will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

Conclusion

WHEREFORE, The Objectors respectfully request that the Court enter an Order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as this Court deems appropriate.

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Dated: December 2, 2013

/s/ Stephen C. Hackney

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Exhibit 1
Proposed Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re)
) Chapter 9
)
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
)
Debtor.) Hon. Steven W. Rhodes
)

**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED NOTICE
AND EXPEDITED HEARING ON MOTION OF THE OBJECTORS TO
COMPEL THE PRODUCTION OF A PRIVILEGE LOG**

This matter having come before the Court on the motion (the “*Ex Parte* Motion”) of the Objectors for the entry of an order shortening the notice period and scheduling an expedited hearing on the *Motion of the Objectors to Compel the Production of a Privilege Log* (the “Motion to Compel”), the Court having reviewed the Objectors’ motion; and the Court having determined that the legal and factual bases set forth in the motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Objectors’ *Ex Parte* Motion is GRANTED.
2. The hearing with respect to the Objectors’ Motion to Compel shall be held on December 3, 2013 before Hon. Steven Rhodes.
3. The joining Objectors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the motion.

4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IT IS SO ORDERED.

STEVEN W. RHODES
United States Bankruptcy
Judge