

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Expedited Consideration Requested

**NOTICE OF PRESENTMENT OF ORDER
PURSUANT TO L.B.R. 9021-1(a)(4)**

PLEASE TAKE NOTICE THAT Debtor City of Detroit hereby presents the *Scheduling Order* (the “Order”), attached hereto as Exhibit 1, pursuant to Local Bankruptcy Rule 9021-1(a)(4).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to enter the Order or if you want the court to consider your views on the Order, within 7 days¹ from the date this notice is served, you or your attorney must:

1. File a written objection to the Order or request for hearing,² explaining your position, with the Bankruptcy Court electronically through the

¹ Concurrently herewith, the Debtor has filed a motion to shorten the notice period for this notice of presentment.

Bankruptcy Court's electronic case filing system in accordance with the Local Rules of the Bankruptcy Court or by mailing any objection or response to:

United States Bankruptcy Court
Theodore Levin Courthouse
231 West Lafayette Street
Detroit, MI 48226

You must also serve a copy of any objection or response upon:

Jones Day
51 Louisiana Ave. NW
Washington, D.C. 20001-2113
Attention: Dan Moss

-and-

Pepper Hamilton LLP
Suite 1800, 4000 Town Center
Southfield, Michigan 48075
Attn: Robert Hertzberg and Deborah Kovsky-Apap

2. If an objection or response is timely filed and served, the clerk will schedule a hearing and you will be served with a notice of the date, time and location of the hearing.

PLEASE TAKE FURTHER NOTICE that if you or your attorney do not take these steps, the court may decide that you do not oppose entry of the Order and may enter it with no further action or notice.

² An objection or request for hearing must comply with F.R. Civ. P. 8(b), (c) and (e) and L.B.R. 9021-1(a)(4)(B).

Dated: December 6, 2013

Respectfully submitted,

/s/ Deborah Kovsky-Apap
Robert S. Hertzberg
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**ATTORNEYS FOR THE CITY OF
DETROIT**

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
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SCHEDULING ORDER

On November 27, 2013, the Court held a hearing (the “Hearing”) regarding Debtor’s Motion for Entry of an Order Establishing Pre-Trial and Trial Procedures and Setting Additional Hearings (the “Motion”) and certain objections thereto [Dkts #1821, #1822] (the “Objections”) made by certain parties (the “Objecting Parties”).¹ The Court having reviewed the Motion and the objections and heard the statements of counsel at the Hearing; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; and the City and the Objecting Parties having

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

resolved in principal the Objections on terms placed on the record at the hearing, subject to memorialization in an order; and the Court noting the consent of the City and the Objecting Parties to this Order, as evidenced by a certain Stipulation filed with the Court concurrent with the submission of this Order;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED IN PART** and **DENIED IN PART** as set forth herein.

2. A hearing on the City's Assumption Motion [Dkts. #17, #157] and Motion to Approve Post-Petition Financing [Dkt. #1520] (together, the "City's Motions") will be held on December 17, 18 and 19, 2013. The hearing on the City's Motions shall be consolidated (the "Consolidated Hearing"), so that any witness who is called by the City or by any party to the Consolidated Hearing (collectively, the "Parties" and each, a "Party") with respect to the City's Motions will be called to the stand on direct only once with respect to the City's Motions. Any exhibit that is admitted by a Party with respect to either of the City's Motion shall be deemed admitted with respect to both Motions.

3. Any party objecting to the Motion to Approve Post-Petition Financing (collectively, the "PPF Objectors" and together with the objectors to the City's Assumption Motion, the "Objectors") that wishes to address the scope of the Court's review of the Post-Petition Financing Motion under 11 U.S.C. § 364(c)

shall do so as part of its objection to the Post-Petition Financing Motion. The City's response regarding the scope of the Court's review of the Post-Petition Financing shall be included in its response to objections on the date set forth below. Nothing herein shall modify the dates already set for objections to the Post-Petition Financing Motion or the page limits for such briefs.

4. For purposes of the City's Assumption Motion only those witnesses previously identified by the objectors to the City's Assumption Motion, who were not withdrawn as witnesses for the Assumption Motion, shall be called during the Consolidated Hearing.

5. The City's proposed schedule as outlined in the Motion is modified as follows:

- (a) On December 2, 2013, the PPF Objectors shall identify any witnesses they intend to solicit direct testimony from at the Consolidated Hearing;
- (b) On December 4, 2013, the City shall provide the Objectors with a draft of the Proposed Joint Statement of Facts regarding the City's Motions;
- (c) On December 9, 2013, the City and the Objectors shall file their exhibit list with the Court, which may be supplemented based on ongoing depositions related to the City's Motions;
- (d) On December 10, 2013, the City shall file the following:
 - (i) Responses to motions *in limine* regarding the City's Assumption Motion;
 - (ii) Responses to objections filed in response to the City's Motions;

- (e) On December 11, 2013, the Parties shall file the Proposed Joint Statement of Facts related to the City's Motions with the Court;
- (f) As soon as any Party becomes aware that it will call a previously unidentified witness as a rebuttal witness at the Consolidated Hearing, it shall notify all other Parties of the identity of that witness, and all such rebuttal witnesses must be disclosed by no later than 12:00 pm on December 12, 2013;
- (g) On December 13, 2013, at 10:00am the Court will hold a Pretrial Conference with the Parties at which the following subjects, among other things, will be addressed:
 - (i) Potential designation of Messrs. Buckfire, Doak, Malhotra, Moore and Orr as expert witnesses for the City or other persons as expert witnesses for a non-City Party;
 - (ii) Argument on the outstanding motions *in limine*;
 - (iii) Objections to the authenticity and admissibility of exhibits on the Joint Exhibit List;
 - (iv) Potential designation of lead counsel for the examination and cross examination of witnesses and any other matters of procedure at the Consolidated Hearing;
- (h) The Parties shall use good-faith efforts to accommodate the taking of the depositions of each other's witnesses, as generally described on the record at the Hearing; and
- (i) On December 17 – 19, 2013, starting at 9:00am each day, the Court will hold an evidentiary hearing regarding the City's Motions.