

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

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In re :
 : Chapter 9
 :
CITY OF DETROIT, MICHIGAN, :
 : Case No. 13-53846
 :
Debtor. : Hon. Steven W. Rhodes
 :
 : **Expedited Consideration Requested**
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**EX PARTE MOTION FOR AN ORDER SHORTENING NOTICE AND
SCHEDULING AN EXPEDITED HEARING WITH RESPECT TO
MOTION OF THE CITY OF DETROIT FOR ENTRY OF AN ORDER
(I) ESTABLISHING PROCEDURES FOR SOLICITATION AND
TABULATION OF VOTES TO ACCEPT OR REJECT PLAN OF
ADJUSTMENT AND (II) APPROVING NOTICE PROCEDURES
RELATED TO CONFIRMATION OF THE PLAN OF ADJUSTMENT**

The City of Detroit (the "City") moves the Court for the entry of an *ex parte* order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1(b) of the Local Rules of the Bankruptcy Court for the Eastern District of Michigan (the "Local Rules")

(a) shortening the notice period with respect to the *Motion of the City of Detroit for Entry of an Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* (the "Motion") and

(b) scheduling a hearing on the Motion as soon as reasonably practicable.

Jurisdiction

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order that, among other things, (a) establishes various deadlines and hearing dates related to solicitation and confirmation of the City's plan of adjustment (the "Plan"), (b) approves the contents of solicitation packages, (c) approves the form of the ballots used to vote on the Plan, (d) approves the form of various notices related to Plan confirmation and (e) approves related procedures.

3. Pursuant to Bankruptcy Rules 9006(c)(1) and 9007 and Local Rule 9006-1(b), the City seeks entry of an order (a) shortening the notice period with respect to the Motion and (b) if necessary, scheduling a hearing on the Motion as soon as reasonably practicable.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified time by these rules or by a notice given

thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced." Local Rule 9006-1(b) permits a party to "file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper." Bankruptcy Rule 9007 further provide that "[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given." Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on the Motion on shortened notice and to approve the manner of notice of such hearing.

5. In the Motion, the City asks the Court to set various deadlines and hearing dates (collectively, the "Deadlines and Hearing Dates") related to Plan confirmation, including the (a) voting record date, (b) deadline for voting on the Plan, (c) deadline to file a "Notice of Asserted Right to Vote a Claim," (d) deadline to respond to any such notice, (e) date of mailing of solicitation packages, (f) deadline for the City's balloting agent to file a tabulation summary of votes on the Plan, (g) date of publication of the notice of the hearing on confirmation of the Plan and (h) deadline for filing a motion pursuant to Bankruptcy Rule 3018.

6. Each of the proposed Deadlines and Hearing Dates is related to, and dependent upon, the schedule (the "Confirmation Schedule") set by the Court in its

First Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment (Docket No. 2755) (the "Proposed Scheduling Order"). In the Proposed Scheduling Order, the Court asked parties in interest to file objections or responses thereto by February 28, 2014. Accordingly, contemporaneously with the filing of the Motion, the City filed its *Response of the City of Detroit to the Court's First Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment* (the "Scheduling Order Response"), wherein the City asks the Court to make minor modifications to the Confirmation Schedule.

7. Because the relief requested in the Motion is directly tied to the City's proposed changes to the Confirmation Schedule set forth in the Scheduling Order Response, the City requests that the Court expedite its consideration of the Motion such that it coincides with the Court's consideration of the Scheduling Order Response and any other responses or objections to the Proposed Scheduling Order. All parties in interest will benefit from the Court's combined consideration of the Motion and the Scheduling Order Response, as their joint consideration will lead to the efficient development of a Confirmation Schedule that is reasonable under the circumstances of this case.

8. For the reasons set forth above, the City submits that cause exists to:
(a) shorten the notice period with respect to the Motion and (b) schedule a hearing on the Motion, if necessary, as soon as reasonably practicable.

9. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties who have requested electronic notice and will provide notice of the *ex parte* order promptly upon issuance.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion.

Dated: February 28, 2014

Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
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AN EXPEDITED HEARING WITH RESPECT TO MOTION
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This matter came before the Court on the *Ex Parte Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Motion of the City of Detroit for Entry of an Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* (Docket No. _____) (the "Ex Parte Motion"). The Court reviewed the *Ex Parte Motion* and has determined, after due deliberation, that (i) it has jurisdiction over this matter, (ii) this matter is a core proceeding, and (iii) the relief

requested in the *Ex Parte* Motion is fair, equitable, and in the best interests of the City, its creditors, and other parties in interest.¹

Accordingly, it is hereby ORDERED that:

1. The *Ex Parte* Motion is granted as set forth in this Order.
2. Any objection to the *Ex Parte* Motion shall be filed and served no later than _____ Eastern Time on _____, 2014.
3. A hearing with respect to the *Motion of the City of Detroit for Entry of an Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* shall be held on _____, 2014 at _____ Eastern Time before the Honorable Steven Rhodes in Courtroom _____ at 231 W. Lafayette Blvd, Detroit, Michigan 48226.

¹ To the extent any finding of fact in this order constitutes a conclusion of law, it is adopted as such. To the extent any conclusion of law in this order constitutes a finding of fact, it is adopted as such.