

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

**EX PARTE MOTION FOR SHORTENED NOTICE AND EXPEDITED HEARING ON
MOTION OF CREDITORS FOR ENTRY OF AN ORDER PURSUANT TO SECTION
105(a) OF THE BANKRUPTCY CODE DIRECTING THE DEBTOR TO COOPERATE
WITH INTERESTED PARTIES SEEKING TO CONDUCT DUE DILIGENCE
ON THE ART COLLECTION HOUSED AT THE DETROIT INSTITUTE OF ARTS**

The Creditors¹ submit this *Ex Parte* Motion for Shortened Notice and Expedited Hearing on the *Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts* (the “**Art Motion**”) and respectfully represent as follows²:

¹ Financial Guaranty Insurance Company (“**FGIC**”), Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (“**Syncora**”), Hypothekbank Frankfurt AG, Hypothekbank Frankfurt International S.A., and Erste Europäische Pfandbrief- und Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A., Michigan Council 25 of the American Federation of State, County and Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees, Wilmington Trust Company, National Association, as Successor Trustee and Successor Contract Administrator, Dexia Crédit Local, Dexia Holdings, Inc. and FMS-WM Service, solely in its capacity as servicer for FMS Wertmanagement, join this Motion.

² Capitalized terms not defined herein have the meanings given to them in the Art Motion.

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 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. Specifically, 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 Bankruptcy Rule 9006-1(b) provides, “...a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.”

4. The Creditors 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 Art Motion and schedule an expedited hearing on the Art Motion on **April 23, 2014**.

5. Contemporaneously with the filing of this *Ex Parte* Motion, the Creditors filed the Art Motion. For the reasons stated in the Art Motion, the Creditors seek the entry of an order, pursuant to 11 U.S.C. § 105(a), directing the Debtor to cooperate with interested parties seeking to conduct due diligence on the art collection housed at the Detroit Institute of Arts.

6. The Court is currently scheduled to hear motions to intervene in Adversary Proceeding No. 14-04112 filed by certain of the Creditors on April 23, 2014.

7. The Creditors 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 Creditors 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.

DATED: April 9, 2014
Birmingham, Michigan

/s/ Mark R. James
Ernest J. Essad Jr.
Mark R. James
WILLIAMS, WILLIAMS, RATTNER &
PLUNKETT, P.C.
280 North Old Woodward Avenue, Suite 300
Birmingham, MI 48009
Telephone: (248) 642-0333
Facsimile: (248) 642-0856
Email: EJEssad@wwrplaw.com
Email: mrjames@wwrplaw.com

– and –

Alfredo R. Pérez
WEIL, GOTSHAL & MANGES LLP
700 Louisiana Street, Suite 1600
Houston, TX 77002
Telephone: (713) 546-5000
Facsimile: (713) 224-9511
Email: alfredo.perez@weil.com

*Attorneys for Financial Guaranty Insurance
Company*

/s/Ryan Blaine Bennett

James H.M. Sprayregen, P.C.
Ryan Blaine Bennett
Stephen C. Hackney
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, Illinois 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200

- and -

Stephen M. Gross
David A. Agay
Joshua Gadharf
MCDONALD HOPKINS PLC
39533 Woodward Avenue
Bloomfield Hills, MI 48304
Telephone: (248) 646-5070
Facsimile: (248) 646-5075

*Attorneys for Syncora Capital Assurance Inc.
and Syncora Guarantee Inc.*

/s/ Howard S. Sher

Howard S. Sher, Esquire
Jacob & Weingarten, P.C.
Somerset Place
2301 W. Big Beaver Road, Suite 777
Troy, Michigan 48084
Tel: (248) 649-1200
Fax: (248) 649-2920
E-mail: howard@jacobweingarten.com

Vincent J. Marriott, III, Esquire
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, Pennsylvania 19103
Tel: (215) 864-8236
Fax: (215) 864-9762
E-mail: marriott@ballardspahr.com

-and-

Matthew G. Summers, Esquire
Ballard Spahr LLP
919 North Market Street, 11th Floor
Wilmington, Delaware 19801
Telephone: (302) 252-4428
Facsimile: (302) 252-4466
E-mail: summersm@ballardspahr.com

*Attorneys for Hypothekenbank Frankfurt AG,
Hypothekenbank Frankfurt International S.A., Erste
Europäische Pfandbrief- und Kommunalkreditbank
Aktiengesellschaft in Luxemburg S.A.*

LOWENSTEIN SANDLER LLP

By: /s/ Sharon L. Levine

Sharon L. Levine, Esq.

Philip J. Gross, Esq.

65 Livingston Avenue

Roseland, New Jersey 07068

(973) 597-2500 (Telephone)

(973) 597-6247 (Facsimile)

slevine@lowenstein.com

pgross@lowenstein.com

-and-

Herbert A. Sanders, Esq.

THE SANDERS LAW FIRM PC

615 Griswold St., Suite 913

Detroit, MI 48226

(313) 962-0099 (Telephone)

(313) 962-0044 (Facsimile)

hsanders@miafscme.org

-and-

Richard G. Mack, Jr., Esq.
Miller Cohen, P.L.C.
600 West Lafayette Boulevard
4th Floor
Detroit, MI 48226-3191

*Counsel to Michigan Council 25 of the American
Federation of State, County and Municipal
Employees (AFSCME), AFL-CIO and Sub-Chapter
98, City of Detroit Retirees*

DRINKER BIDDLE & REATH LLP

By: /s/ Heath D. Rosenblat
Kristin K. Going, Esq.
Heath D. Rosenblat, Esq.
1177 Avenue of the Americas, 41st Floor
New York, New York 10036-2714
E-mail: Kristin.Going@dbr.com
E-mail: Heath.Rosenblat@dbr.com
Telephone: (212) 248-3140

-and-

Dirk H. Beckwith, Esq. (P35609)
32300 Northwestern Highway, Suite 230
Farmington Hills, Michigan 48334-1471
Telephone: (248) 539-9918
E-mail: dbeckwith@fosterswift.com

*Counsel for Wilmington Trust, National
Association,
as Successor Contract Administrator*

*Counsel for Wilmington Trust, National
Association,
as Successor Contract Administrator*

/s/ Deborah L. Fish
ALLARD & FISH, P.C.
Deborah L. Fish
2600 Buhl Building
535 Griswold
Detroit, MI 48226
Telephone: (313) 961-6141
Facsimile: (313) 961-6142

KRAMER LEVIN NAFTALIS
& FRANKEL LLP
Thomas Moers Mayer
Jonathan M. Wagner
1177 Avenue of the Americas
New York, New York 10036
Telephone: (212) 715-9100
Facsimile: (212) 715-8000

*Counsel to Dexia Crédit Local and Dexia Holdings,
Inc.*

By: /s/ Rick L. Frimmer
Rick L. Frimmer
Karen V. Newbury
Michael W. Ott
SCHIFF HARDIN, LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606
Telephone: (312) 258-5600
Facsimile: (312) 258-5600
E-mail: rfrimmer@schiffhardin.com
E-mail: knewbury@schiffhardin.com
E-mail: mott@schiffhardin.com

Attorneys for FMS Wertmanagement

EXHIBIT 1

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED
NOTICE AND EXPEDITED HEARING ON MOTION OF CREDITORS
FOR ENTRY OF AN ORDER PURSUANT TO SECTION 105(a) OF THE
BANKRUPTCY CODE DIRECTING THE DEBTOR TO COOPERATE
WITH INTERESTED PARTIES SEEKING TO CONDUCT DUE DILIGENCE
ON THE ART COLLECTION HOUSED AT THE DETROIT INSTITUTE OF ARTS**

This matter having come before the Court on the motion (the “Ex Parte Motion”) of the Creditors¹ for the entry of an order shortening the notice period and scheduling an expedited hearing on the Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts (the “Art Motion”), the Court having reviewed the Ex Parte 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 Creditors’ Ex Parte Motion is GRANTED as set forth in this order.
2. The hearing with respect to the Creditors’ Art Motion shall be held on April 23,

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

2014 before Hon. at 9:00 a.m. Hon. Steven Rhodes, in Courtroom 100 of the Theodore Levin
United State Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.

IT IS SO ORDERED.

Signed on: _____

Steven Rhodes
United States Bankruptcy Judge

EXHIBIT 2

CERTIFICATE OF SERVICE

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

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

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2014 the *Ex Parte Motion for Shortened Notice and Expedited Hearing on Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts* was filed and served via the Court's electronic case filing and noticing system to all parties registered to received electronic notices in this matter.

/s/ Mark R. James
Mark R. James (P54375)
Attorney for Financial Guaranty
Insurance Company
Williams, Williams, Rattner & Plunkett, P.C.
380 North Old Woodward Ave., Suite 300
Birmingham, MI 48009
(248) 642-0333
mrj@wwrplaw.com

Dated: April 9, 2014