

**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
CORRECTED MOTION OF THE CITY OF DETROIT FOR ENTRY OF
AN ORDER ESTABLISHING PROCEDURES FOR SOLICITATION AND
TABULATION OF VOTES TO ACCEPT OR REJECT PLAN OF
ADJUSTMENT WITH RESPECT TO PENSION AND OPEB CLAIMS**

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 *Corrected Motion of the City of Detroit for Entry of an Order Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment with Respect to*

Pension and OPEB Claims (the "Motion")¹ and (b) scheduling a hearing on the Motion for April 17, 2014, such that the hearing on the Motion coincides with the hearing currently scheduled to consider approval of the disclosure statement (the "Disclosure Statement") with respect to the City's plan of adjustment (the "Plan").

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 (a) sets a record date with respect to Pension and OPEB Claims, (b) approves the form of a notice of the hearing on confirmation of the Plan, (c) approves the contents of solicitation packages for Pension and OPEB Claimants, (d) approves the forms of ballots for Pension and OPEB Claimants to vote on the Plan, (e) approves "Plain Language Inserts" to be included in the solicitation packages

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

and (f) approves certain tabulation rules with respect to Pension and OPEB Claims (collectively, the "Supplemental Solicitation 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) scheduling a hearing on the Motion for April 17, 2014, such that the hearing on the Motion coincides with the hearing to consider approval of the Disclosure Statement.

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 approve various procedures with respect to Pension and OPEB Claims that are related to confirmation of the Plan. The Court has already approved similar procedures with respect to claims other than Pension and OPEB Claims² and set various deadlines for the Plan confirmation process. *See Third Amended Order Establishing Procedures, Deadlines and Hearing Dates Relating to the Debtor's Plan of Adjustment* (Docket No. 3632) (the "Scheduling Order").

6. The Scheduling Order includes, among others, the following deadlines with respect to confirmation of the Plan:

Event/Deadline	Date
Disclosure Statement Hearing	April 17, 2014
Deadline for City to File Final Disclosure Statement	April 21, 2014
Deadline for City to Mail Solicitation Packages	May 1, 2014
Deadline for Plan Voting	June 30, 2014
Confirmation Hearing	July 16, 2014

7. In light of the upcoming Disclosure Statement hearing and the deadline for the City to mail solicitation packages, the Supplemental Solicitation Procedures must be approved, at the latest, at the Disclosure Statement hearing so

² *See Order (I) Establishing Procedures for the 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. 2984).

that the City has sufficient time to finalize the ballots for Pension and OPEB Claims and mail them to Pension and OPEB Claimants.

8. The Supplemental Solicitation Procedures, which pertain only to Pension and OPEB Claims, were prepared by the City with substantial input and commentary from the professionals (both the lawyers and actuaries) for the Retiree Committee, both Retirement Systems, the Detroit Retired City Employees Association, the Retired Detroit Police & Fire Fighters Association, the four public safety unions representing the police and fire employees of the City and AFSCME. Thus, no party in interest will be prejudiced by shortened notice of the Motion and the hearing to consider the Motion on April 17, 2014.

9. 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 for April 17, 2014.

10. 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: April 10, 2014

Respectfully submitted,

/s/ Heather Lennox

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 243-2382
Facsimile: (213) 243-2539
bbennett@jonesday.com

Jonathan S. Green (MI P33140)
Stephen S. LaPlante (MI P48063)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com

ATTORNEYS FOR THE CITY

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
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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 Corrected Motion of the City of Detroit for Entry of an Order Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment with Respect to Pension and OPEB Claims* (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 *Corrected Motion of the City of Detroit for Entry of an Order Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment with Respect to Pension and OPEB Claims* shall be filed and served no later than _____ Eastern Time on April _____, 2014.
3. A hearing with respect to the *Corrected Motion of the City of Detroit for Entry of an Order Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment with Respect to Pension and OPEB Claims* shall be held on April 17, 2014 at 9:00 a.m. 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.