

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Chapter 9

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Hon. Steven W. Rhodes

Debtor.

**CORRECTED *EX PARTE* MOTION FOR SHORTENED NOTICE
AND EXPEDITED HEARING
ON THE ATTORNEY GENERAL'S MOTION TO QUASH
SUBPOENA TO DEPOSE THE ATTORNEY GENERAL**

The Attorney General submits this *Ex Parte* Motion for Shortened Notice and Expedited Hearing on the Motion to Quash Subpoena to Depose the Attorney General, and respectfully presents the following in support of the motion:

In accordance with Bankr. E.D. Mich. L.B.R. 9014-1(g), counsel for the Attorney General contacted Syncora's counsel regarding the motion to expedite, and Syncora's counsel does not oppose setting the motion to quash for a hearing, if necessary, for June 26, 2014.

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334.

2. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Basis for Relief

3. On April 7, 2014, the Attorney General was served with a subpoena by Syncora for documents related to his opinion issued on June 13, 2013 (AG Op. #7272) regarding the Detroit Institute of Art.

4. On April 21, 2014, the Attorney General responded with his objections, claiming that his internal communications were protected by various privileges and that his external communications with the Detroit Institute of Arts were protected by a common interest agreement.

5. On April 28, 2014, at a hearing before this Court, this Court directed the Attorney General to turn over documents related to his external communications with the Detroit Institute of Arts.

6. On June 6, 2014, the Attorney General was served with a subpoena by Syncora to give testimony on July 9, 2014.

7. Concurrent with this motion, the Attorney General is filing a motion to quash the subpoena.

8. 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).

9. The Attorney General respectfully requests that the Court shorten the notice period with respect to his motion to quash so that this Court may issue a decision on the motion in advance of the deposition date to enable preparation if necessary.

10. If the matter is set for hearing, the Attorney General would ask that the matter be set for the status conference for June 26, 2014 (See Fifth Amended Order, Doc. No. 5259.) Syncora will be in attendance at this hearing and the attorneys for the Attorney General will be able to attend if the Court deems a hearing necessary. This will provide an adequate opportunity for Syncora to respond and for this Court to issue a decision in advance of the deposition date.

11. The Attorney General will serve this *Ex Parte* motion on 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

The Attorney General 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 and granting such further relief as this Court deems appropriate.

Respectfully submitted,

Bill Schuette
Attorney General

B. Eric Restuccia (P49550)
Deputy Solicitor General

/s/ Michael R. Bell
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Dated: June 11, 2014

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**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED
NOTICE AND EXPEDITED HEARING ON MOTION TO QUASH
SUBPOENA TO DEPOSE THE ATTORNEY GENERAL**

This matter having come before the Court on the Attorney General's *Ex Parte* Motion for the entry of an order shortening the notice period and scheduling an expedited hearing on the Motion to Quash the Subpoena to Depose the Attorney General, the Court having reviewed the Attorney General's *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 Attorney General's *Ex Parte* Motion is GRANTED.
2. 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