

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

In re: CITY OF DETROIT, MICHIGAN

Chapter 9

Debtor.

Case No. 13-53846

Honorable Steven W. Rhodes

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW STATE
COURT AND FEDERAL COURT PERSONAL INJURY ACTIONS TO CONTINUE**

Now comes Eddie Adams, a creditor in this case, by and through his attorneys Garris, Garris, Garris & Garris, P.C., and moves this Court for entry of an Order Granting Relief from the Automatic Stay, and states as follows:

1. This is the Motion of Eddie Adams for relief from the automatic Stay.
2. He is seeking relief from the stay only to the extent that there is insurance coverage to cover his personal injury claim against the Debtor.
3. A proposed Order granting relief requested is attached as **Exhibit 1**.
4. Mr. Adams is a creditor in this Chapter 9 case as a result of a personal injury claim that he has against the Debtor.
5. Mr. Adams obtained a judgment against the City of Detroit in Wayne County Circuit Court on June 17, 2013. (Wayne County Case Number 11-13755-NO)
6. The City of Detroit appealed the judgment to the Michigan Court of Appeals. (**Eddie Adams v City of Detroit**, Michigan Court of Appeals Docket Number 317160)
7. The City's premises liability insurance carrier filed a declaratory action in the United States District Court, Eastern District of Michigan, Southern Division.

(Valley Forge Insurance Company v City of Detroit and Eddie Adams, Case Number 13-11168)

8. Both actions were stayed after the City of Detroit filed for Chapter 9 bankruptcy.

9. On information and belief Debtor has insurance coverage which covers the injuries and losses sustained by Mr. Adams.

10. Mr. Adams wishes to continue with his claims in the State Court of Appeals and the United States District Court, and he has agreed to limit any recovery solely to the limits of the insurance coverage.

11. As indicated in the proposed Order attached as **Exhibit 1**, Mr. Adams requests that the Stay entered in this matter be lifted as to creditor Eddie Adams, for the purpose of proceeding on a claim against the debtor City of Detroit, and its personal injury insurance carrier Valley Forge Insurance Company, for injuries creditor sustained in an incident that occurred on or about November 14, 2009, but only to the extent that there is insurance coverage for this claim.

12. On July 17, 2014, counsel for Mr. Adams sent a proposed stipulated Consent Order Granting Relief from the Automatic Stay to Allow State Court and Federal Court Actions to Continue, and sought concurrence of Debtor's counsels and their insurance carrier's counsel for the relief requested.

13. That although more than 45 days have passed, concurrence has not been granted.

WHEREFORE, Mr. Adams moves this Court for entry of an Order granting relief from the automatic Stay to allow Mr. Adams to pursue his State Court personal

injury claim, but only to the extent that there is insurance coverage for the claim, and grant him such other and further relief as this Court deems just.

September 12, 2014

/s/ Jacalen J. Garris

Jacalen J. Garris (P43576)

Michael J. Garris (P30185)

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Mjgsec/adams/ bankruptcy/ motion stay lift/ motion to lift stay 9-12-14 lh

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EXHIBIT 1

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

In re: CITY OF DETROIT, MICHIGAN,
Debtor

Chapter 9

Case No. 13-53846

Honorable Steven W. Rhodes

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY TO ALLOW STATE
COURT AND FEDERAL COURT ACTIONS TO CONTINUE**

This matter comes before the Court on Creditor Eddie Adams' Motion For Relief from the Automatic Stay to Allow State Court and Federal Court Personal Injury Actions to Continue.

IT IS HEREBY ORDERED:

1. Creditor Eddie Adams shall be granted relief from the Stay for the purpose of proceeding on a claim against the debtor **City of Detroit**, and its personal injury liability insurance carrier **Valley Forge Insurance Company**, for injuries creditor sustained in an accident that occurred on or about November 14, 2009, but only to the extent that there is insurance coverage for this claim.
2. Any recovery on the Claim shall be limited to the extent of the insurance coverage on the Claim, and any liability of debtor over the insurance limits shall be discharged under the Chapter 9 proceedings.
3. This lift of Stay applies to both the State Court action in the Michigan Court of Appeals, **Eddie Adams v City of Detroit**, Michigan Court of

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Appeals Docket Number 317160, (Wayne County Case Number 11-13755-NO), and the Federal Court declaratory action in the United States District Court, Eastern District of Michigan, Southern Division, **Valley Forge Insurance Company v City of Detroit and Eddie Adams**, Case Number 13-11168.

DATE: _____

By: _____

Steven W. Rhodes
United States Bankruptcy Judge

MJGsec/adams/bankruptcy/motion stay lift/order to lift stay Ex 1 9-12-14 lh

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EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: CITY OF DETROIT, MICHIGAN

Chapter 9

Debtor

Case No. 13-53846

Honorable Steven W. Rhodes

**NOTICE OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW STATE COURT
AND FEDERAL COURT PERSONAL INJURY ACTIONS TO CONTINUE**

Eddie Adams has filed papers with the Court for relief from the Automatic Stay to allow State Court and Federal Court Personal Injury Actions to continue.

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 grant the Motion, or if you want the Court to consider your views on the Motion, within fourteen (14) days after service, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you just mail it early enough so the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to: Michael J. Garris-(see address below)

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

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

September 12, 2014

/s/ Jacalen J. Garris

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Mjgsec/adams/ bankruptcy/Motion Lift Stay/Notice 9-12-14

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EXHIBIT 3

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CERTIFICATE OF SERVICE

Jacalen J. Garris certifies that on September 12, 2014, she filed electronically with the Court's Electronic Case Filing system the following:

- Motion for Relief from the Automatic Stay to Allow State Court and Federal Court Personal Injury Actions to Continue with attached Exhibit 1 (proposed Order)
- Notice of Motion for Relief from the Automatic Stay to Allow State Court and Federal Court Personal Injury Actions to Continue
- Certificate of Service

which will send electronic service to all interested parties via ECF, and by placing same in an envelope with sufficient postage thereon, and depositing same in a United States mail receptacle in the City of Ann Arbor, State of Michigan to:

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September 15, 2014

/s/ Jacalen J. Garris

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MJGsec/Adams/bankruptcy/motion lift stay/ certificate of service 9-15-14 lh

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