

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

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

\_\_\_\_\_  
CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,  
Plaintiff,

Adv. Case No. \_\_\_\_\_

V

\_\_\_\_\_  
DETROIT CITY COUNCIL,  
Defendant.

**PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED AGAINST CORRUPT  
GOVERNMENT'S EMERGENCY MOTION FOR REMAND OF OPEN MEETINGS  
ACT ("OMA") CASE AGAINST THE DETROIT CITY COUNCIL**

Pursuant to Fed.R.Bankr.P. 9027(d), Petitioners, Robert Davis and Citizens United Against Corrupt Government (collectively "Petitioners"), by and through their attorney, Andrew A. Paterson, respectfully request that this Court *immediately* remand *Citizens United Against Corrupt Government v. Detroit City Council*, Wayne County Circuit Court Case Number 14-012633-AW ("OMA Case"), to the Wayne County Circuit Court from the Federal Bankruptcy Court.

In support of their emergency motion, Petitioners state as follows:

## INTRODUCTION

1. On September 30, 2014, this Court, after conducting an emergency hearing, entered an Order Granting Petitioners Emergency Motion for Relief From the Automatic Stay (“September 30, 2014 Order”) (Docket 7754). (**See September 30, 2014 Order attached hereto as Exhibit A**).
2. This Court’s September 30, 2014 Order allowed Petitioners the right to “immediately file a civil action in the Wayne County Circuit Court against the Detroit City Council seeking only (1) the declaratory and injunctive relief specifically identified in the Emergency Motion for the Detroit City Council’s alleged violations of the Open Meetings Act and (2) an award of attorneys’ fees and costs as may be provided for by the Open Meetings Act.” (Docket 7754).
3. In accordance with the Court’s September 30, 2014 Order, on October 1, 2014, Petitioners filed a civil action in the Wayne County Circuit Court against the Detroit City Council, which sought declaratory and injunctive relief for the Detroit City Council’s alleged violations of the Open Meetings Act (“OMA”) pertaining to their series of closed-door meetings held September 23-25, 2014. Petitioners’ OMA civil action against the Detroit City Council was given Wayne County Circuit Court Case No. 14-012633-AW (“OMA Case”) and was assigned to Judge Annette J. Berry (“Judge Berry”).
4. In accordance with the Court’s September 30, 2014 Order, on October 1, 2014, Petitioners also filed an *Ex Parte* Motion for Temporary Restraining Order (“TRO”) against the Detroit City Council seeking to enjoin them from convening any other

closed-door meetings for the purpose of discussing the role and/or future of Kevyn Orr as the Emergency Manager.

5. Upon reviewing Petitioners' pleadings as filed, Judge Berry granted Petitioners' *Ex Parte* Motion for TRO and set a show cause hearing to be held on October 10, 2014 at 11 a.m. (**See Judge Berry's Ex Parte TRO attached hereto as Exhibit B**).
6. At approx. 2:32 p.m., counsel for the Detroit City Council filed with this Court a "Notice of Removal". (Docket 7907). (**See Detroit City Council's Notice of Removal filed with this Court attached hereto as Exhibit C**).<sup>1</sup>
7. At approx. 3:12 p.m., counsel for the Detroit City Council filed with the Wayne County Circuit Court a "Notice of the Filing of A Notice of Removal." (**See Detroit City Council's "Notice of the Filing of A Notice of Removal" attached hereto as Exhibit C**).
8. The Detroit City Council's filing of its "Notice of Removal" was nothing more than a stalling tactic in an effort to prevent Judge Berry from ruling on the merits of Petitioners' meritorious OMA Case.
9. The Detroit City Council's filing of its "Notice of Removal" with this Court lacks merit and is outright frivolous. Accordingly, Petitioners respectfully request this Court to assess sanctions against the Detroit City Council and its legal counsel pursuant to Fed.R.Bankr.P. 9011 for filing its frivolous "Notice of Removal".

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<sup>1</sup> On October 9, 2014, counsel for the Detroit City Council contemporaneously filed with this Court a Motion for Reconsideration of the September 30, 2014 Order.

## ARGUMENT FOR RELIEF

10. 28 U.S.C. § 1452(a) states:

(a) **A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power**, to the district court for the district where such civil action is pending, **if such district court has jurisdiction of such claim or cause of action under section 1334 of this title**. (Emphasis supplied).

11. 28 U.S.C. § 1334(a) provides:

(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

12. In spite of this Court's clear directive in its September 30, 2014 Order, which required the Petitioners to file their OMA Case in the Wayne County Circuit Court, counsel for the Detroit City Council have asserted a flawed and frivolous defense that this Court has jurisdiction over the claims alleged in Petitioners' OMA Case. Contrary to the Detroit City Council's arguments, **none** of the claims alleged in Petitioners' OMA Case are "related to a case under title 11." 28 U.S.C. § 1334(a).

13. "An action is related to bankruptcy of the outcome could alter the debtor's rights, liabilities, options or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankrupt estate." *Pappas v. Buchwald Capital Advisors, LLC (In re Greektown Holdings, LLC)*, 728 F.3d 567, 577 (6<sup>TH</sup> Cir. 2013).

14. Petitioners' OMA Case in no way "could alter the debtor's rights, liabilities, options or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankrupt estate." *Id.*

15. In fact, this Court, during oral arguments for Petitioners' Emergency Motion for Relief from the Automatic Stay, acknowledged not only that Petitioners' claims were meritorious, but Petitioners' OMA Case **would not** in any way impact or jeopardize the City of Detroit's ability to proceed with the bankruptcy proceedings.
16. Moreover, Petitioners' OMA claims simply **do not** fall within the jurisdiction of the Bankruptcy Court. Jurisdiction of Petitioners' OMA Case is statutorily conferred upon the Wayne County Circuit Court by Mich. Comp. Laws § 15.271 of the OMA.
17. The Wayne County Circuit Court is the proper venue for Petitioners' OMA Case for Mich. Comp. Laws § 15.271(2) of the OMA states: "*An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves.* An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham county." (Emphasis added.)
18. The Detroit City Council's principal office is located in the City of Detroit, County of Wayne. Consequently, pursuant to Mich. Comp. Laws § 15.271(2) of the OMA, the Wayne County Circuit Court is the proper venue for Petitioners' OMA Case, as this Court's September 30, 2014 Order recognizes.
19. Additionally, Petitioner Citizens United is a "person" who has standing to commence the OMA Case under Mich. Comp. Laws § 15.271(1) of the OMA, which reads: "*If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may*

*commence a civil action to compel compliance or to enjoin further noncompliance with this act.*” (Emphasis supplied.)

20. Petitioner Citizens United, as a registered domestic nonprofit corporation, is a “person” as defined under the OMA and has standing to commence this action under MCL §15.271 of the OMA. See *Booth Newspapers, Inc. v Wyoming*, 168 Mich App 459, 474; 425 NW2d 695 (1988) (“We agree with the trial court that plaintiff is a person. Under the OMA, it is a person who may file suit to compel compliance with the act, MCL 15.271(1); MSA 4.1800(21)(1), and a successful person who may recover actual attorney fees and court costs, MCL 15.271(4); MSA 4.1800(21)(4). As a general rule, the term person is defined as including corporations unless such a construction would be inconsistent with the manifest intent of the Legislature. See MCL 8.3; MSA 2.12 and MCL 8.31; MSA 2.212(12).”)

21. Petitioner Citizens United’s standing under the OMA, is also recognized under Michigan case law. See, *Lansing Schools Education Ass’n v Lansing School Dist Bd. of Ed.*, 487 Mich 349, 372; 792 NW 2d 686 (2010). In *Lansing Schools Ed Ass’n*, the Michigan Supreme Court articulated Michigan standing law:

**[A] litigant has standing whenever there is a legal cause of action.** Further, whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment. Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large **or if the statutory scheme implies that the**

**Legislature intended to confer standing on the litigant.**

[*Lansing Schools Ed Ass'n, supra* at 372.] (Emphasis supplied.)

22. Michigan law has always granted standing to parties, such as the Petitioner Citizens United, for OMA actions. See *Booth Newspapers, Inc., supra*, at 574. (“We agree with the trial court that plaintiff is a person. Under the OMA, it is a person who may file suit to compel compliance with the act, MCL 15.271(1); MSA 4.1800(21)(1), and a successful person who may recover actual attorney fees and court costs, MCL 15.271(4); MSA 4.1800(21)(4). As a general rule, the term person is defined as including corporations unless such a construction would be inconsistent with the manifest intent of the Legislature. See MCL 8.3; MSA 2.12 and MCL 8.31; MSA 2.212(12).”)
23. Petitioners OMA Case is not a bankruptcy proceeding nor will it impact the City of Detroit’s bankruptcy case. The Detroit City Council’s filing of its “Notice of Removal” was nothing more than a stall tactic aimed at preventing Judge Berry from holding the Show Cause Hearing on Friday, October 10, 2014.
24. As this Court is aware, pursuant to Fed.R.Bankr.P. 9027(c), the filing of “Notice of Removal” prohibits the parties from proceeding in the Wayne County Circuit Court. Thus, it is clear that the Detroit City Council’s motive was to prevent Judge Berry from holding the Show Cause Hearing on Friday, October 10, 2014 at 11 a.m.
25. Accordingly, pursuant to Fed.R.Bankr.P. 9027(d), this Court should immediately remand Petitioners’ OMA Case to the Wayne County Circuit Court so that Judge Berry can conduct and hold the Show Cause Hearing she properly ordered.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioners pray that this Honorable Court GRANT Petitioners' Emergency Motion for Remand and enter an order remanding Petitioners' OMA Case to the Wayne County Circuit Court and further order that the Detroit City Council and its legal counsel be assessed sanctions pursuant to Fed.R.Bankr.P. 9001.

Respectfully submitted,

/S/ Andrew A. Paterson (P18690)  
Attorney for Petitioners Robert Davis and Citizens  
United Against Corrupt Government  
46350 Grand River, Suite C  
Novi, MI 48374  
(248) 568-9712

DATED: October 9, 2014



# **EXHIBIT 1**

## **PROPOSED ORDER**

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

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X

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

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CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,  
Plaintiff,

Adv. Case No. \_\_\_\_\_

V

DETROIT CITY COUNCIL,  
Defendant.

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**ORDER GRANTING PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED  
AGAINST CORRUPT GOVERNMENT'S EMERGENCY MOTION FOR REMAND**

This matter coming before the Court on Petitioners' Emergency Motion for Remand and the Court having determined that the legal and factual bases as set out in the motion establish just cause for relief;

**IT IS HEREBY ORDERED THAT:**

- A. The Emergency Motion for Remand is **GRANTED**.
- B. Petitioners' Open Meetings Act lawsuit, Wayne County Case No. 14-012633-AW ("OMA Lawsuit"), shall be and is hereby remanded to the Wayne County Circuit Court. Petitioners' OMA Lawsuit shall be allowed to immediately proceed before

Wayne County Circuit Court Judge Annette J. Berry. The Wayne County Circuit Court is the proper venue and forum to adjudicate Petitioners' claims as alleged in the OMA Lawsuit.

- C. Petitioners' request for sanctions against the Detroit City Council and their legal counsel is reserved.
- D. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
- E. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

# **EXHIBIT 2**

## **NOTICE OF EMERGENCY MOTION FOR REMAND**

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

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

\_\_\_\_\_  
CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,  
Plaintiff,

Adv. Case No. \_\_\_\_\_

V

DETROIT CITY COUNCIL,  
Defendant.

**NOTICE OF MOTION AND OPPORTUNITY TO OBJECT**

Petitioners Robert Davis and Citizens United Against Corrupt Government (collectively “Petitioners”) have filed papers with the court for an Emergency Motion for Remand.

**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 Petitioners’ Emergency Motion for Relief From Automatic Stay the time for a party to take any action or file objections to Petitioners’ Emergency Motion for Remand, or if you want the court to consider your views on the motion, the deadline to file an objection to the Emergency Motion is within fourteen (14) days after

service. Objections shall comply with F.R.Civ.P.8(b)(c) and (e). Accordingly, within fourteen (14) days after service, you or your attorney must:

File with the court a written request for a hearing or, if the court requires a written response, an answer, explaining your position at:

United States Bankruptcy Court  
211 West Fort  
Detroit, MI 48226

If you mail your request/response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also mail a copy to:

Andrew A. Paterson  
Attorney for Petitioners  
46350 Grand River, Suite C  
Novi, MI 48374  
(248) 568-9712  
[Aap43@hotmail.com](mailto:Aap43@hotmail.com)

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. If an objection is not timely filed, the court may grant the motion without a hearing.

Dated: October 9, 2014

/s/Andrew A. Paterson  
Attorney for Petitioners  
46350 Grand River, Suite C  
Novi, MI 48374  
(248) 568-9712  
[Aap43@hotmail.com](mailto:Aap43@hotmail.com)

# **EXHIBIT 3**

**BRIEF (Not Applicable)**

# **EXHIBIT 4**

## **CERTIFICATE OF SERVICE**



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

\_\_\_\_\_ X  
:  
**In re:** : **Chapter 9**  
:  
**CITY OF DETROIT, MICHIGAN,** : **Case No. 13-53846**  
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Debtor. : **Hon. Steven W. Rhodes**  
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\_\_\_\_\_  
CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,  
Plaintiff,

Adv. Case No. \_\_\_\_\_

V

\_\_\_\_\_  
DETROIT CITY COUNCIL,  
Defendant.

**CERTIFICATE OF SERVICE**

I, ANDREW A. PATERSON, certify that the foregoing *Petitioner's Emergency Motion for Remand* was filed and served via the Court's electronic case filing and noticing system this 9<sup>th</sup> day of October, 2014, which will send notification of such filing to all attorneys and parties of record registered electronically.

/S/ Andrew A. Paterson (P18690) \_\_\_\_\_  
Attorney for Petitioners  
46350 Grand River, Suite C  
Novi, MI 48374  
(248) 568-9712  
[Aap43@hotmail.com](mailto:Aap43@hotmail.com)

P18690

# **EXHIBIT 5**

**AFFIDAVITS (Not Applicable)**

# **EXHIBIT 6**

## **Exhibits A-C**

**Exhibit A- Judge Rhodes' September 30, 2014 Order  
Granting Relief from Automatic Stay**

**Exhibit B- Wayne County Circuit Judge Annette Berry's  
October 1, 2014 TRO**

**Exhibit C- Detroit City Council's Notice of the Filing of A  
notice of Removal and Notice of Removal**



# EXHIBIT A

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

	x	
	:	<b>Chapter 9</b>
<b>In re:</b>	:	<b>Case No. 13-53846</b>
<b>CITY OF DETROIT, MICHIGAN,</b>	:	<b>Hon. Steven W. Rhodes</b>
Debtor.	:	
	:	
	:	
	x	

**ORDER GRANTING PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED  
AGAINST CORRUPT GOVERNMENT'S EMERGENCY MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY**

This matter coming before the Court on: (a) Petitioners Robert Davis' and Citizens United Against Corrupt Government's ("Petitioners") Emergency Motion for Relief from the Automatic Stay ("Emergency Motion") (Docket No. 7667); and (b) Debtor's Combined Objection and Brief in Opposition to Petitioner Robert Davis' and Citizens United Against Corrupt Government's Emergency Motion for Relief from the Automatic Stay Objection ("Objection") (Docket No. 7714); the Court having reviewed and conducted a hearing on the Emergency Motion and the Objection; and the Court having determined that the legal and factual bases as set out in the Emergency Motion and the representations of the Petitioners at the hearing and in the Emergency Motion establish cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

- A. Petitioners' Emergency Motion is **GRANTED** to the extent set forth in this Order.
- B. Petitioners shall be allowed to immediately file a civil action in the Wayne County Circuit Court against the Detroit City Council seeking only (1) the declaratory and injunctive relief specifically identified in the Emergency Motion for the Detroit City

Council's alleged violations of the Open Meetings Act and (2) an award of attorneys' fees and costs as may be provided for by the Open Meetings Act.

- C. The Petitioners shall not seek to invalidate any action, decision, order or resolution arising from or relating to the closed sessions of the Detroit City Council on September 23, 24 or 25, 2014, including without limitation, the Detroit City Council's "Resolution Removing Kevyn D. Orr as Emergency Manager and Removing the City of Detroit from Receivership Under Act 436" as approved by the Detroit City Council on September 25, 2014, or any of the orders dated September 25, 2014, of the Emergency Manager of the City of Detroit, Kevyn D. Orr.
- D. The Petitioners shall not depose, or seek to depose, the Emergency Manager of the City of Detroit, Kevyn D. Orr or the Mayor of the City of Detroit, Mike Duggan, without first obtaining an order from this Court authorizing Petitioners to seek such a deposition in the civil action.
- E. The automatic stays of Bankruptcy Code §§362 and 922 otherwise remain in full force and effect except as expressly modified by this Order.
- F. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
- G. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

**Signed on September 30, 2014**

**/s/ Steven Rhodes**  
**Steven Rhodes**  
**United States Bankruptcy Judge**



# EXHIBIT B

STATE OF MICHIGAN  
IN THE 3<sup>RD</sup> JUDICIAL CIRCUIT COURT  
FOR THE COUNTY OF WAYNE

CITIZENS UNITED AGAINST CORRUPT GOVERNMENT,  
a Michigan Nonprofit Corporation,  
**PLAINTIFF,**

Case No. 14-012633-AW  
**HON. ANNETTE J. BERRY**

-v-

DETROIT CITY COUNCIL,  
**DEFENDANT.**

14-012633-AW  
FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
10/1/2014 3:54:29 PM  
CATHY M. GARRETT

ANDREW A. PATERSON (P18690)  
Attorney for Plaintiff Citizens United  
46350 Grand River Ave., Suite C  
Novi, MI 48374  
(248) 568-9712

/s/ Cheryl Bascomb

**Order Granting Ex Parte Motion for Temporary Restraining Order (TRO)**

At a session of said Court held  
in the Coleman A. Young Municipal Center, City of Detroit,  
County of Wayne, State of Michigan,

On 10/1/2014

Present: Annette J. Berry  
Wayne County Circuit Court Judge

This matter having come before the Court on Plaintiff's Verified Complaint Declaratory Judgment and Injunctive Relief and Plaintiff's Emergency Ex Parte Motion for Temporary Restraining Order ("TRO"), and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that Plaintiff's *Ex Parte* Motion for TRO is GRANTED.

IT IS FURTHER ORDERED that Defendant Detroit City Council, their agents and employees, and other persons who are in active concert or participation with them are hereby temporarily enjoined from meeting and/or convening a closed session for the purpose of

discussing the role of Kevyn Orr as the Emergency Manager for the City of Detroit or for the purpose to discuss any orders, resolutions, or statutes pertaining to removing the City of Detroit from Receivership under Public Act 436.

IT IS FURTHER ORDERED that the Defendant Detroit City Council, their agents and employees, and other persons who are in active concert or participation with them are hereby temporarily enjoined and restrained from destroying, deleting, altering, or otherwise damaging any written documents, including emails, text messages, faxes, letters, minutes, transcripts, video and/or audio recordings that pertain to its decision on whether to remove Kevyn Orr as the Emergency Manager for the City of Detroit as permitted under § 9(6)(c) of Public Act 436 of 2012 or pertaining to the closed sessions the Defendant Detroit City Council held on September 23-25, 2014. This is necessary in order to preserve the status quo and to prevent the possible destruction of pertinent evidence relevant to this case.

IT IS FURTHER ORDERED that Defendant shall appear before the Hon. Judge Annette J. Berry on October 10th, 2014 at 11:00 a.m/p.m. in her courtroom at the Coleman A. Young Municipal Center on the 18<sup>th</sup> Floor to Show Cause as to Why a Preliminary Injunction should not be issued.

IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order to Show Cause, as well as copies of Plaintiff's Complaint and all other pleadings filed in this matter, on the Defendant Detroit City Council or their appropriate representative before 5 p.m. on October 1, 2014.

/s/ Annette J. Berry

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WAYNE COUNTY CIRCUIT COURT JUDGE

# EXHIBIT C

**STATE OF MICHIGAN  
IN THE 3<sup>RD</sup> JUDICIAL CIRCUIT COURT  
FOR THE COUNTY OF WAYNE**

CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,

Plaintiff,

-v-

Case No. 14-012633-AW  
HON. ANNETTE J. BERRY

DETROIT CITY COUNCIL,

Defendant.

14-012633-AW  
FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
10/9/2014 3:12:51 PM

ANDREW A. PATERSON (P18690)  
Attorney for Citizens United  
46350 Grand River Ave., Suite C  
Novi, MI 48374  
(248) 568-9712

MEGAN P. NORRIS (P39318)  
Miller Canfield Paddock & Stone PLC  
Attorneys for the Detroit City Council  
150 W Jefferson Ave., Suite 2500  
Detroit, MI 48226  
Phone: (313) 963-6420  
Fax: (313) 496-8453  
[norris@millercanfield.com](mailto:norris@millercanfield.com)

CATHY M. GARRETT

CHARLES N. RAIMI (P29746)  
Deputy Corporation Counsel  
Attorneys for the Detroit City Council  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 237-5037  
Fax: (313) 224-5505  
[raimic@detroitmi.gov](mailto:raimic@detroitmi.gov)

**NOTICE OF THE FILING OF A NOTICE OF REMOVAL**

The Detroit City Council, by and through its undersigned counsel, provides this court notice that on October 9, 2014, pursuant to 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedure 9027, the Defendant filed a Notice of Removal with the United States Bankruptcy Court for the Eastern District of Michigan in the City of Detroit's bankruptcy case. The Notice

of Removal is attached as Exhibit 1. Pursuant to Federal Rule of Bankruptcy Procedure 9027(c), the parties are to proceed no further in this Court unless and unless and until this suit has been remanded. Fed. R. Bank. P. 9027(c) (“The Parties shall proceed no further in that court unless and until the claim or cause of action is remanded.”).

DATED: October 9, 2014

Respectfully Submitted,

/s/ Megan P. Norris  
MEGAN P. NORRIS (P39318)  
Miller Canfield Paddock & Stone PLC  
Attorneys for the Detroit City Council  
150 W Jefferson Ave., Suite 2500  
Detroit, MI 48226  
Phone: (313) 963-6420  
Fax: (313) 496-8453  
[norris@millercanfield.com](mailto:norris@millercanfield.com)

-and-

CHARLES N. RAIMI (P29746)  
Attorneys for the Detroit City Council  
Deputy Corporation Counsel  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 237-5037  
Fax: (313) 224-5505  
[raimic@detroitmi.gov](mailto:raimic@detroitmi.gov)

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

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

14-012633-AW

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CITIZENS UNITED AGAINST  
CORRUPT GOVERNMENT,

FILED IN MY OFFICE  
WAYNE COUNTY CLERK  
10/9/2014 3:12:51 PM  
CATHY M. GARRETT

Plaintiff,

Adv. Case No. \_\_\_\_\_

V

DETROIT CITY COUNCIL,

Defendant.

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**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1452(a) and Federal Rule of Bankruptcy Procedure 9027, the City of Detroit removes *Citizens United Against Corrupt Government v. Detroit City Council*, Case Number 14-012633-AW (“State Court Case”), from the Wayne County Circuit Court to the Bankruptcy Court. In the State Court Case, the Plaintiff seeks (1) declaratory judgments that the City Council violated the Open Meetings Act, M.C.L. § 15.261, *et seq.*; (2) an order enjoining the City from taking certain actions which the Plaintiff alleges would violate the Open Meetings Act; (3) an order requiring the City to provide the Plaintiff with all “minutes, including

transcripts and audio recordings,” from certain meetings; and (4) court costs and attorneys’ fees.

The State Court Case is neither “a proceeding before the United States Tax Court” nor “a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power,” and thus the State Court Case qualifies for removal under 28 U.S.C. § 1452(a). Removal is timely under Federal Rule of Bankruptcy Procedure 9027(a)(3) because the complaint initiating the State Court Case was filed October 1, only eight days ago.

The Bankruptcy Court has jurisdiction over the claims alleged in the State Court Case because the State Court Case is “related to a case under title 11.” 28 U.S.C. § 1334(b). “An action is related to bankruptcy if the outcome could alter the debtor’s rights, liabilities, options, or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankrupt estate.” *Pappas v. Buchwald Capital Advisors, LLC (In re Greektown Holdings, LLC)*, 728 F.3d 567, 577 (6th Cir. 2013). Here, at a minimum, the injunctive relief sought impinges upon the City’s freedom of action concerning discussions with its Emergency Manager regarding the handling and administration of the City’s bankruptcy case.

The State Court Case is non-core. The City consents to the entry of final orders or judgment by the Bankruptcy Court on the claims brought in the State



Court Case. Pursuant to Federal Rule of Bankruptcy Procedure 9027(a)(1), copies of all process and pleadings in the State Court Case are attached as Exhibit 1 to this Notice.

Respectfully submitted,

By: /s/ Marc N. Swanson  
Jonathan S. Green (P33140)  
Marc N. Swanson (P71149)  
MILLER, CANFIELD, PADDOCK AND  
STONE, P.L.C.  
150 West Jefferson, Suite 2500  
Detroit, Michigan 48226  
Telephone: (313) 963-6420  
Facsimile: (313) 496-7500  
swanson@millercanfield.com  
green@millercanfield.com

Charles N. Raimi (P29746)  
Deputy Corporation Counsel  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Telephone: (313) 237-5037  
Facsimile: (313) 224-5505  
raimic@detroitmi.gov

ATTORNEYS FOR THE CITY OF DETROIT

Dated: October 9, 2014