

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

---

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

---

**EX PARTE MOTION OF MACOMB INTERCEPTOR DRAIN DRAINAGE DISTRICT  
FOR ENTRY OF AN ORDER SHORTENING NOTICE AND SCHEDULING AN  
EXPEDITED HEARING WITH RESPECT TO THE MOTION TO EXTEND  
RESPONSE DEADLINE TO MOTION FOR SUMMARY JUDGMENT (I) PURSUANT  
TO RULE 56(d) OF THE FEDERAL RULES OF CIVIL PROCEDURE OR (II) DUE TO  
CIRCUMSTANCES OF CHAPTER 9 CASE**

The Macomb Interceptor Drain Drainage District (the “MIDDD”), a creditor and party in interest in the above-captioned Chapter 9 bankruptcy case, hereby moves for 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 Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the “Local Rules”) (a) shortening the notice period with respect to MIDDD’s *Motion to Extend Macomb Interceptor Drain Drainage District’s Response Deadline to Motion for Summary Judgment (I) Pursuant to Rule 56(d) of the Federal Rules of Civil Procedure or (II) Due to Circumstances of the Chapter 9 Case* (the “Motion to Extend”), and (b) scheduling a hearing on the Motion to Extend for Thursday, October 16, 2014 at 8:30 a.m., or at another time convenient for the Court. In support of this *ex parte* motion (the “Motion to Shorten”), MIDDD respectfully states the following:

## **JURISDICTION AND VENUE**

This Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 USC § § 1408 and 1409.

## **RELIEF REQUESTED**

MIDDD filed the Motion to Extend contemporaneously with the filing of this Motion to Shorten. In the Motion to Extend, MIDDD requests that the response period be extended to five days after the close of discovery, which is April 6, 2105 or, alternatively, if the Court requires a response to the Summary Judgment Motion prior to the close of discovery, to 45 days from the filling of the Summary Judgment Motion, which is November 21, 2014.

By this *Ex Parte* Motion, MIDDD seeks an order (a) shortening notice with respect to the Motion to Extend, (b) scheduling a hearing on the Motion to Extend for October 16, 2014; at 8:30 a.m., and (c) granting such other and further relief as the Court deems appropriate.

Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specific 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.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “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.” E.D. Mich. LBR 9006-1(b).

Additionally, pursuant to Bankruptcy Rule 9007, “[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.” Fed. R. Bank. P. 9007

These rules, taken together, provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

The notice accompanying the City’s motion for summary judgment (the “Summary Judgment Motion”) states that a written response or answer to the Summary Judgment Motion—a 41-page document with nearly 1000 pages of attached exhibits—must be filed within 14 days of its filing.<sup>1</sup> The Motion to Extend requests that the response period be extended to no earlier than five days after the close of discovery, which is April 6, 2105 or, alternatively, if the Court requires a response to the Summary Judgment Motion prior to the close of discovery, to no earlier than 45 days from the filing of the Summary Judgment Motion, which is November 21, 2014. Accordingly, MIDDD requests a hearing on the Motion to Extend as MIDDD requires guidance from the Court regarding its request for additional time to respond to the Summary Judgment Motion before the 14 day response period purportedly set by City expires.

MIDDD will serve this Motion to Shorten via the Court’s ECF system to all required parties and will provide notice of the *ex parte* order promptly upon issuance.

For these reasons, MIDDD submits that cause exists to schedule a hearing on its Motion to Extend for October 16, 2014 at 8:30 a.m., so that it may be resolved in time to allow a fully considered objection to the Summary Judgment Motion.

---

<sup>1</sup> As explained in the Motion to Extend, the City’s attempt to set a 14-day response time is contrary to the 21-day response period to dispositive motions provided by the Local Rules for the United States District Court for the Eastern District of Michigan, which apply in this instance.

WHEREFORE, MIDD requests that the Court enter an order (a) shortening notice with respect to the Motion to Extend and (b) setting a hearing on the Motion to Extend for October 16, 2014 at 8:30 a.m.

Dated: October 13, 2014

Respectfully submitted,

DECHERT LLP

KIRK, HUTH, LANGE & BADALAMENTI

By: /s/ Allan S. Brilliant  
Allan S. Brilliant  
Stephen M. Wolpert  
1095 Avenue of the Americas  
New York, NY 10016  
Telephone: (212) 698-3500  
Facsimile: (212) 698-3599  
allan.brilliant@dechert.com  
stephen.wolpert@dechert.com

By: /s/ Raechel M. Badalamenti (P64361)  
Raechel M. Badalamenti  
Robert T. Carollo Jr.  
19500 Hall Road, Suite 100  
Clinton Township, MI 48038  
Telephone: (586) 412-4900  
Facsimile: (586) 412-4949  
rbadalamenti@KHLBlaw.com

*Attorneys for Macomb Interceptor Drain  
Drainage District*

*Attorneys for Macomb Interceptor Drain  
Drainage District*