

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

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case Number 13-53846

Honorable Steven W. Rhodes

Chapter 9

**STIPULATION FOR AN ORDER GRANTING RONALD COOK
AN ALLOWED, UNSECURED CLAIM IN THE AMOUNT OF \$25,000**

The City of Detroit, Michigan (the “City”), and Ronald Cook (the “Claimant”; and with the City, the “Parties”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, the Parties were parties to litigation in Wayne County Circuit Court, Case Numbers 11-010396 and 12-004823 (the “Cases”), both of which involved a grievance filed by the Claimant arising out of a 2007 promotion process conducted by the City’s Detroit Water and Sewerage Department;

WHEREAS, the Circuit Court entered an order in Case Number 11-010396 on January 25, 2012, and dismissed Case Number 12-004823 on May 8, 2012 (the “Rulings”);

WHEREAS, Claimant appealed the Rulings to the Michigan Court of Appeals (“Court of Appeals”), which consolidated the Cases by an order entered June 27, 2012 (as consolidated, the “Appeal”);

WHEREAS, on July 18, 2013 (the “Petition Date”), the City commenced this case under chapter 9 of title 11 of the Bankruptcy Code;

WHEREAS, on the Petition Date, the Appeal was pending before the Court of Appeals, with all briefing complete and oral argument having been conducted, leaving nothing remaining for the Court of Appeals other than to issue a decision;

WHEREAS, on August 26, 2013, the Claimant filed a motion for relief from stay in this chapter 9 case (“Motion,” Doc. No. 630), seeking permission to allow the Court of Appeals to issue its decision;

WHEREAS, the Parties agreed to modify, and this Court entered an order modifying, the Automatic Stay to permit the Court of Appeals to issue its decision, but precluding further action by the Claimant in the Cases absent further order by the Court (Doc. Nos. 951, 993, and 1020);

WHEREAS, on January 2, 2014, the Court of Appeals issued its opinion and Order regarding the Appeal (“COA Order”);

WHEREAS, the COA Order directed the City to conduct a new promotional process in accordance with requirements set forth in the COA Order;

WHEREAS, the Parties agreed to modify, and this Court entered an order modifying, the Automatic Stay to implement the terms of the COA Order and to liquidate any back pay claims the Claimant may assert (Doc. Nos. 2549 and 2566);

WHEREAS, subsequently, in the new promotional process, the Claimant was awarded seniority in the position of Construction Equipment Foreman;

WHEREAS, the promotional process failed to liquidate any claim for back pay for Claimant;

WHEREAS, the Claimant never filed a proof of claim in the City's bankruptcy case, and the bar date for such claims has long passed;

WHEREAS, the Claimant asserts that the proceedings prior to this point constitute an informal proof of claim;

WHEREAS, the Parties believe that further litigation of this matter is in no one's best interest, and that consensual resolution of the matter is in the best interest of the Parties and creditors overall;

NOW, THEREFORE, the Parties consent to the entry of the order attached hereto as Exhibit 1, granting Claimant a general unsecured claim in the amount of \$25,000 to resolve all of Claimant's claims against the City.

Dated: November 4, 2014

By: /s/ Rodger L. Webb
/s/ Rodger L. Webb
Rodger L. Webb (P33356)
17000 West Ten Mile Road
Goodman Acker Bldg., 2nd Floor
Southfield, MI 48075
Tel: (248) 395-9750
Fax: (248) 395-9760
rodger@weflaw.com.

ATTORNEYS FOR
CREDITOR RONALD COOK

By: /s/ Eric D. Carlson
Eric D. Carlson (P60277)
Timothy A. Fusco (P13768)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
carlson@milleranfield.com
fusco@milleranfield.com

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

ATTORNEYS FOR THE CITY

EXHIBIT 1

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

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case Number 13-53846

Honorable Steven W. Rhodes

Chapter 9

**ORDER GRANTING RONALD COOK
AN ALLOWED, UNSECURED CLAIM IN THE AMOUNT OF \$25,000**

This matter comes before the Court on (a) the *Stipulation for an Order Granting Ronald Cook an Allowed, Unsecured Claim in the Amount of \$25,000* (the “Stipulation”) filed by Ronald Cook (the “Claimant”) and the City of Detroit (the “City”); the Court having reviewed the Stipulation and the prior docket entries related to the Stipulation; and determining that there is just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT Claimant is granted an allowed, unsecured claim of \$25,000 in the City’s chapter 9 bankruptcy case.

CERTIFICATE OF SERVICE

I, Eric D. Carlson, hereby certify that the foregoing *Stipulation for an Order Granting Ronald Cook an Allowed, Unsecured Claim in the Amount of \$25,000* was filed and served via the Court's electronic case filing and noticing system on this 4th day of November, 2014.

/s/ Eric D. Carlson _____