

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Debtor.

Case No. 13-53846-SWR
Chapter 9
Hon. Steven W. Rhodes

MOTION TO EXTEND TIME TO FILE CLASS CLAIMANTS'
PROOF OF CLAIM

Now come Lasalle Town Houses Cooperative Association, Nicolet Town Houses Cooperative Association, Lafayette Town Houses, Inc., Joliet Town Houses Cooperative Association, and St. James Cooperative, on behalf of themselves and the Class as defined below (collectively, "Class Claimants"), and state:

1. The Court set February 21, 2014 as the general deadline for creditors to file proofs of claim.

2. Class Claimants are parties to a class action lawsuit filed in the United States District Court for the Eastern District of Michigan, Town Houses Cooperative Association et al v. City of Detroit, Case No. 4:12-cv-13747 (the "Class Action") before Judge Gershwin Drain. Class Claimants seek class certification in the Class Action on behalf of the following (the "Class"):

"All entities or individuals owning, or acting for owners of, buildings, apartment buildings, townhouses, housing cooperatives and condominiums with multiple units and utilized for residential purposes whom and which have been charged at a commercial rate by the City of Detroit and/or the Detroit Water and Sewerage Department for water and sewerage and component services with the time period at least six years prior to the filing of this action through the date of final judgment or such longer amount of time as may be allowed by law."

3. On December 18, 2013, this Court granted the Class Claimants relief from stay to, inter alia, "continue the prosecution of the class action" as indicated in paragraph 2 of this Court's Order:

2. Relief from that automatic stay applicable under 11 U.S.C. § 922(a) and 11 U.S.C. § 362(a) is granted to allow the Cooperatives to continue prosecution of the class action for the limited purpose of pursuing class certification, establishing liability, and seeking to enjoin the DWSD from charging improper rates.

4. Class Claimants have been diligently pursuing class certification, however, as of the date of this motion, a final ruling has not been made. Judge Drain has set a hearing on March 4, 2014 on the Class Claimant's motion to certify the Class:



01/29/2014	39	NOTICE OF HEARING on 38 Renewed MOTION to Certify Class . Motion Hearing set for 3/4/2014 02:00 PM before District Judge Gershwin A. Drain (Bankston, T) (Entered: 01/29/2014)
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5. Cause exists to extend the time for Class Claimants to file a class proof of claim until the earlier of (a) 10 days after Judge Drain has made a final ruling not subject to appeal or (b) May 21, 2014, absent further Court Order. If Judge Drain has not entered a final Order regarding class certification close to the May 21, 2014 proposed deadline, Class Claimants reserve the ability to file such further papers as are necessary to extend the proof of claim deadline and otherwise protect the interests of the Class.

6. The Court entered an Order extending the bar date for the DIA to file its proof of claim to May 21, 2014:

01/21/2014	2523 (1 pg)	Order Extending Bar Date For The Detroit Institute Of Arts To File Proof Of Claim . Proof of Claim Bar Date Extended for DIA to 4:00 p.m., on May 21, 2014. (RE: related document(s) 2522 Stipulation filed by Interested Party Detroit Institute of Arts). (ckata) (Entered: 01/21/2014)
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7. Similarly extending the time for the Class Claimants to file a class proof of claim will not prejudice the bankruptcy estate as various issues still need to be resolved prior to final administration of the estate.

8. Pursuant to, inter alia, Fed.R. Bankr.P. 9006, 3003(c)(3), 7023 and 9014, the Court has the power to extend the time for the Class Claimants to file their class proof of claim.

9. Class Claimants have requested Debtor's consent to the relief sought in this Motion, and such consent has not been granted as of this date.

WHEREFORE, this Court should grant Class Claimants the relief requested in the attached proposed Order, and grant them such further relief as this Court deems just.

Respectfully submitted,

_____/s/ Robert Bassel _____

ROBERT N. BASSEL (P48420)

Attorneys for Class Claimants

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DATED: 2/18/2014

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Debtor.

Case No. 13-53846-SWR
Chapter 9
Hon. Steven W. Rhodes

**ORDER GRANTING MOTION TO EXTEND TIME TO FILE CLASS CLAIMANTS'
PROOF OF CLAIM**

THIS MATTER having come before the Court on the above-captioned motion, there being no unresolved objections, and sufficient cause existing for the relief requested,

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is granted.
2. Solely with respect to the Class and Class Claimants, as defined in the underlying Motion, the General Bar Date established in the "Order, Pursuant To Sections 105, 501 And 503 Of The Bankruptcy Code And Bankruptcy Rules 2002 And 3003(C), Establishing Bar Dates For Filing Proofs Of Claim And Approving Form And Manner Of Notice Thereof" entered November 21, 2013 (ECF 1782) (the "Bar Date Order") shall be extended to permit the Class Claimants and the Class to file a class proof of claim against the Debtor through and including the earlier of (a) 4:00 p.m., Eastern Time, on May 21, 2014 or (b) ten days after entry of a final, nonappealable Order regarding certification of the class in LaSalle Town Houses Cooperative Association et al v. City of Detroit, Case No. 4:12-cv-13747 (E.D. Mich.), absent further Court Order. All other terms and conditions set forth in the Bar Date Order shall continue to govern.

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NOTICE OF OPPORTUNITY TO RESPOND TO
MOTION TO EXTEND TIME TO FILE CLASS CLAIMANTS'
PROOF OF CLAIM

PLEASE TAKE NOTICE that the Class Claimants as defined in the underlying motion request an extension of time to file a class proof of claim.

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.)

The Motion is available for review at the office of the Clerk of the U.S. Bankruptcy Court for the Eastern District of Michigan, located at 211 W. Fort Street, Detroit, MI 48226, or may be obtained by sending a **written** request to Robert N. Bassel, Esq., at the address below. If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, within 14 days unless shorted by the Court, you or your attorney must:

1. Communicate with the Court regarding your response or an answer explaining your position, at: United States Bankruptcy Court, 211 W. Fort Street, Detroit, MI 48226
You must also communicate your response to Robert N. Bassel, Esq. at the address stated below.
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 and may enter an order granting the relief requested in the motion.

Respectfully submitted,

_____/s/ Robert Bassel

ROBERT N. BASSEL (P48420)

Attorneys for Class Claimants

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Clinton, MI 49236

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bbassel@gmail.com

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PROOF OF SERVICE

The undersigned served, or caused to be served, copies of MOTION TO EXTEND TIME TO FILE PROPOSED CLASS CLAIMANTS' PROOF OF CLAIM, Notice of Time to Respond and Proof of Service upon the counsel of record.

Respectfully submitted,

____/s/ Robert Bassel _____

ROBERT N. BASSEL (P48420)

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DATED: 2/18/2014