

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

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

***EX PARTE* MOTION FOR AN
ORDER SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING WITH RESPECT TO MOTION OF
THE CITY OF DETROIT FOR APPROVAL OF AMENDED BALLOTS**

The City of Detroit (the "City") moves the Court for the entry of 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 the Bankruptcy Court for the Eastern District of Michigan (the "Local Rules")

(a) shortening the notice period with respect to the *Motion of the City of Detroit for Approval of Amended Ballots* (the "Motion") and (b) scheduling a hearing on the Motion for April 14, 2014, such that the hearing on the Motion coincides with the hearing currently scheduled to consider approval of the disclosure statement (the "Disclosure Statement") with respect to the City's plan of adjustment (the "Plan").



Jurisdiction

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order that approves the form of the ballots (the "Ballots") for voting on the City's Plan.¹

3. The City had previously requested approval of the form of the Ballots in the *Motion of the City of Detroit for Entry of an Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* (Docket No. 2789) (the "Solicitation Procedures Motion"). In the order approving the Solicitation Procedures Motion (Docket No. 2984) (the "Solicitation Procedures Order"), however, the Court deferred consideration of the City's request for approval of the Ballots. *See Solicitation Procedures Order* ¶ 7.

¹ The Motion does not seek approval of ballots for Pension Claims and OPEB Claims (as defined in the Plan). The City will seek approval of those ballots in a separate motion.

4. Subsequently, on March 31, 2014, the City filed an amended version of the Plan and the Disclosure Statement. *See* Docket Nos. 3380, 3382.

Accordingly, based on the modifications to the Plan, the City's ongoing discussions with creditors and the City's own continued analysis of balloting and solicitation issues, the City modified the Ballots. *See* Motion ¶¶ 5-16.

5. Pursuant to Bankruptcy Rules 9006(c)(1) and 9007 and Local Rule 9006-1(b), the City seeks entry of an order (a) shortening the notice period with respect to the Motion and (b) scheduling a hearing on the Motion for April 14, 2014 to coincide with the hearing to consider approval of the City's Disclosure Statement.

Basis for Relief

6. Bankruptcy Rule 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified 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." Local Rule 9006-1(b) permits a party to "file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper." Bankruptcy Rule 9007 further provide that "[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."

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

7. In the Motion, the City asks the Court to approve the form of Ballots for voting on the Plan. The hearing to consider approval of the Disclosure Statement is currently set for April 14, 2014, and the deadline for mailing Ballots to creditor entitled to vote on the Plan is April 28, 2014. Accordingly, the Ballots must be approved, at the latest, at the Disclosure Statement hearing, such that the City has sufficient time to finalize the Ballots and mail them to creditors for voting purposes.

8. Parties in interest in this case are already on notice that the Court will consider approval of the Ballots at the Disclosure Statement hearing. *See* Solicitation Procedures Order ¶ 7 ("The ballots, the form of which will be determined in connection with the Disclosure Statement Hearing . . ."). Furthermore, as demonstrated by the redlines attached as Exhibit 6B to the Motion, the majority of the modifications to the Ballots are non-material. Thus, no party will be prejudiced by shortened notice of the Motion and the hearing to consider the Motion on April 14, 2014.

9. For the reasons set forth above, the City submits that cause exists to:
(a) shorten the notice period with respect to the Motion and (b) schedule a hearing on the Motion for April 14, 2014.

10. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties who have requested electronic notice and will provide notice of the *ex parte* order promptly upon issuance.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion.

Dated: April 2, 2014

Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY

EXHIBIT 1

Proposed Order

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

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This matter came before the Court on the *Ex Parte Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Motion of the City of Detroit for Approval of Amended Ballots* (Docket No. ____) (the "*Ex Parte Motion*"). The Court reviewed the *Ex Parte Motion* and has determined, after due deliberation, that (i) it has jurisdiction over this matter, (ii) this matter is a core proceeding, (iii) pursuant to Federal Rule of Bankruptcy Procedure 9006(b), cause exists for the relief requested in the *Ex Parte Motion* and (iv) the relief

requested in the *Ex Parte* Motion is fair, equitable, and in the best interests of the City, its creditors, and other parties in interest.¹

Accordingly, it is hereby ORDERED that:

1. The *Ex Parte* Motion is granted as set forth in this Order.
2. Any objection to the *Ex Parte* Motion shall be filed and served no later than _____ Eastern Time on April ____, 2014.
3. A hearing with respect to the *Motion of the City of Detroit for Approval of Amended Ballots* shall be held on April 14, 2014 at 9:00 a.m. Eastern Time before the Honorable Steven Rhodes in Courtroom ____ at 231 W. Lafayette Blvd., Detroit, Michigan 48226.

¹ To the extent any finding of fact in this order constitutes a conclusion of law, it is adopted as such. To the extent any conclusion of law in this order constitutes a finding of fact, it is adopted as such.