

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

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

***EX PARTE* MOTION OF THE CITY OF DETROIT FOR ENTRY OF AN
ORDER AUTHORIZING IT TO FILE AN OMNIBUS RESPONSE IN
OPPOSITION TO SYNCORA AND FGIC’S MOTIONS TO EXCLUDE THE
TESTIMONY OF KENNETH BUCKFIRE UNDER FEDERAL
RULE OF EVIDENCE 702 IN EXCESS OF PAGE LIMIT**

The City of Detroit, Michigan (the “City”), as the debtor in the above-captioned case, hereby moves the Court for the entry of an order authorizing the City to file its *Opposition Of The City Of Detroit To Motions Of Syncora And FGIC To Exclude Testimony Of Kenneth Buckfire* (“Omnibus Response”) in excess of the 25-page limit for response briefs imposed by Rule 7.1(d)(3)(A) of the Local Rules for the United States District Court for the Eastern District of Michigan.



Jurisdiction and Venue

1. The 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 U.S.C. §§ 1408 and 1409.

Relief Requested

2. By this *ex parte* motion, the City seeks an order authorizing it to file its Omnibus Response in excess of 25 pages.

Basis for Relief

3. On August 18, 2014, Syncora Capital Assurance Inc. and Syncora Guarantee Inc. (“Syncora”) and Financial Guaranty Insurance Company (“FGIC”) each filed motions in excess of 20 pages to exclude the opinion of Kenneth Buckfire regarding plan treatment compared to treatment upon dismissal. ECF # 6787 and 6826. Through these motions, Syncora and FGIC seek to exclude the testimony of the City’s expert witnesses, Kenneth Buckfire, with respect to his opinion concerning the best interests of creditors test under section 943(b)(7) of the Bankruptcy Code.

4. While the City would have 50 pages to respond to both motions if it filed separate responses, the City believes it is more efficient to file one omnibus response that applied to both motions. As such, the City submits that it requires more than 25 pages (but less than 50 pages) to respond to both Syncora

and FGIC's motions seeking to exclude the testimony of Mr. Buckfire.

Accordingly, the City respectfully requests that it be (a) granted relief from the page limit imposed, and (b) permitted to file its Omnibus Response in excess of 25 pages.

WHEREFORE, the Debtor respectfully requests that this Court:

(i) enter an order substantially in the form attached hereto as Exhibit 1, granting the relief sought herein; and (ii) grant such other and further relief to the Debtor as the Court may deem proper.

Dated: August 27, 2014 Respectfully submitted,

/s/ Heather Lennox

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ATTORNEYS FOR THE CITY OF DETROIT

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

Exhibit 1	Proposed Form of Order
Exhibit 2	None [Motion Seeks <i>Ex Parte</i> Relief]
Exhibit 3	None [Brief Not Required]
Exhibit 4	Certificate of Service
Exhibit 5	None [No Affidavits Filed Specific to This Motion]
Exhibit 6	None [No Documentary Exhibits Filed Specific to This Motion]

Exhibit 1

**UNITED STATES BANKRUPTCY COURT
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**EX PARTE ORDER AUTHORIZING THE CITY OF DETROIT TO
FILE AN OMNIBUS RESPONSE IN EXCESS OF PAGE LIMIT**

This matter coming before the Court on the *Ex Parte* Motion Of The City Of Detroit For Entry Of An Order Authorizing It To File An Omnibus Response In Opposition To Syncora And FGIC's Motions To Exclude The Testimony Of Kenneth Buckfire Under Federal Rule Of Evidence 702 In Excess Of Page Limit (the "Motion"),¹ filed by the City of Detroit, Michigan (the "City"); and the Court being fully advised in the premises;

IT IS HEREBY ORDERED THAT:

The Motion is GRANTED.

The City may file its Omnibus Response in excess of 25 pages.

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

Exhibit 4

Certificate of Service

I hereby certify that, on August 27, 2014, I electronically filed the *Ex Parte Motion Of The City Of Detroit For Entry Of An Order Authorizing It To File An Omnibus Response In Opposition To Syncora And FGIC's Motions To Exclude The Testimony Of Kenneth Buckfire Under Federal Rule Of Evidence 702 In Excess Of Page Limit* with the Clerk of the Court which sends notice by operation of the Court's electronic filing service to all ECF participants registered to receive notice in this case.

Dated: August 27, 2014

/s/ Heather Lennox

Heather Lennox