

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
2014 SEP -2 A 11:00
U.S. BANKRUPTCY COURT
E.D. MICHIGAN DETROIT

In re
City of Detroit,
Debtor

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

MOTION FOR RECONSIDERATION

NOW COMES, Creditor Dennis Taubitz in pro per and for his Motion for
Reconsideration states as follows:

1. Creditor filed a Motion to Participate in the Eligibility Trial.
2. Creditor also filed a Motion to Participate in the closed door negotiations and mediation that this Court ordered.
3. Creditor also filed a Motion to Participate in the Confirmation Hearing.
4. This Court, in disregard to Creditor's due process rights, has denied without merit all of Creditor's attempts to participate in the Court's proceedings and in the negotiations and mediations.
5. This Court in its Order dated August 20, 2014, improperly denied Creditor's Motion to Participate in the Confirmation Hearing. The Court, in error, stated: "Likewise, the Motion does not identify the subject matter of the proposed testimony as the Court's Order Regarding Participation".
6. Creditor, however, attached his Witness List to his Motion to Participate in the Confirmation Hearing. Creditor specifically identified in his Witness List the subject matter of the testimony of each of the witnesses. Creditor specifically stated that: "The testimony of each witness will concern the validity of Debtor's Annuity Savings

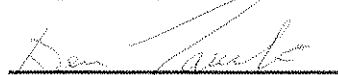


Recoupment and the confirmability of the Plan of Adjustment.) Creditor clearly identified the subject matter of the proposed testimony of the witnesses as the Court ordered.

7. As to the Court's concern that the "Creditor has no idea how long the cross examination of the witnesses will take". Creditor indeed does not have an estimate of how long the Debtor's Counsel will take in its cross examination of the witnesses. Creditor does not control the timeframe of Debtor Counsel's cross examination. Creditor therefore cannot provide the overall time that the testimony of each witness will take.
8. Creditor, however, can state that he expects the direct examination to be approximately one (1) hour for each witness, except for the first three (3) listed witnesses which Creditor expects the direct examination to take one (1) day.
9. Again, as Creditor cannot predict how long the cross examination and redirect examination of the witnesses will take, Creditor cannot provide the total time that each witness will testify, but can only provide the estimated time for the direct examination of each witness.
10. Creditor submits that as a party, he has an absolute right to participate in any trial or hearing regarding this Bankruptcy case.

WHEREFORE, based on the foregoing, this Creditor Dennis Taubitz respectfully prays that this Honorable Court grant Creditor's Motion for Reconsideration.

Respectfully submitted,



Dennis Taubitz

In Pro Per

Creditor

3051 Lindenwood Drive

Dearborn, MI 48120

(313) 632-9150

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BRIEF IN SUPPORT

Due process consists of fair notice and a fair hearing before a competent tribunal.

This Creditor submits that a fair hearing is a hearing that one is allowed to fully participate in. Conversely, the Creditor submits that if one is not allowed to participate, the hearing must be deemed unfair.

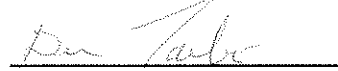
This Creditor submits that his due process rights are being violated and will continue to be violated until he is allowed to participate in the Debtor's trial regarding the Confirmation hearing.

As a party, this Creditor has an absolute right to participate in any trial, hearing or other matter. This Court's naked attempt to deny this right is a violation of all legal principles and is a clear demonstration undue justice.

Clearly, the Court's rationale for denying the Motion to Participate is improper. This Creditor clearly specified the nature of the testimony of the witnesses. Further, Creditor has specified the length of direct examination; and Creditor cannot foresee the total length of the witnesses' testimony as there is no way of knowing the length of cross examination.

WHEREFORE, based on the foregoing, this Creditor Dennis Taubitz respectfully prays that this Honorable Court grant Creditor's Motion for Reconsideration.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dennis Taubitz", is written over a horizontal line.

Dennis Taubitz

In Pro Per

Creditor

3051 Lindenwood Drive

Dearborn, MI 48120

(313) 632-9150

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NOTICE OF MOTION FOR RECONSIDERATION

Creditor Dennis Taubitz has filed papers with the court a Motion for Reconsideration.

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.)

If you do not want the court to grant the Motion for Reconsideration, or if you want the court to consider your views on the Motion for Reconsideration, then within 14 days you or your attorney must:

File with the court a written response, or answer explaining your position at:

Attn: Bankruptcy Court Clerk
United States Bankruptcy Court
Eastern District of Michigan
211 West Fort Street
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Dennis Taubitz
3051 Lindenwood Drive
Dearborn, MI 48120

Heather Lennox
Bruce Bennett
Jones Day
555 South Flower Street – Fiftieth Floor
Los Angeles, CA 90071

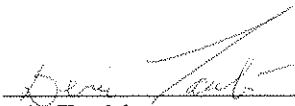
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EASTERN DISTRICT OF MICHIGAN
DETROIT

Sam J. Alberts
Dentons US LLP
1301 K Street NW
Suite 600 East Tower
Washington DC 20005

Attend the hearing scheduled to be held on the date and time and Courtroom set by this court, United States Bankruptcy Court, Eastern District of Michigan, 211 West Fort Street, Detroit, MI 48226.

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 that relief.

Date: Sept 2, 2011

Signature: 

Name: Dennis Taubitz

Address: 3051 Lindenwood Drive, Dearborn, MI 48120

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

City of Detroit

Debtor.

CASE NO: 13-53846
CHAPTER: 9
JUDGE: Steven Rhodes

PROOF OF SERVICE

I hereby certify that on Sept 2, 2014 (date of mailing), I served

copies as follows:

1. Document(s) served: Motion For Reconsideration
Notice of Motion for Reconsideration
Proof of Service

2. Served upon [name and address of each person served]:

Heather Lennox
Bruce Bennett
Jones Day
555 South Flower Street
Fifteenth Floor
Los Angeles, CA 90071

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3. By First Class Mail.

Dated: 9-2-14

Dennis Taubitz
(Signature of Debtor) creditor

Print Name: DENNIS TAUBITZ

(Signature of Co-Debtor)

Print Name: _____