

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor. /

Hon. Steven W. Rhodes

**APPLICATION OF HOWARD & HOWARD ATTORNEYS PLLC FOR  
ALLOWANCE AND PAYMENT OF ITS ADMINISTRATIVE EXPENSE CLAIM**

Now comes Howard & Howard Attorneys PLLC ("Howard & Howard") and for this application for allowance and payment of its administrative expense claim in the amount of \$10,777.96 states:

1. Pre-petition, Howard & Howard represented the City of Detroit in various matters, including: (i) Walter Swift v. Officer Janice Paavola *et al* (the "Swift Matter") and (ii) a matter involving Cristobal Mendoza and Annica Cuppertelli (the "Mendoza Matter" and, together with the Swift Matter, the "Matters").

2. On February 18, 2014 Howard & Howard timely filed a proof of claim for the \$90,028.30 that it was owed in respect of the Matters as of the petition date.

3. On November 12, 2014 this Court entered its order (the "Confirmation Order") confirming the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the "Plan"). The Notice of the Entry of the Confirmation Order states that requests for payment of Administrative Claims must be filed by January 26, 2015.

4. Howard & Howard timely files this request for allowance and payment of its administrative expense claim in the amount of \$10,777.96 owing in respect of its post-petition services



rendered to the City on the Matters. The foregoing \$10,777.96 is in addition to the \$90,028.30 that Howard & Howard was owed as of the petition date in respect of pre-petition services on the Matters.

5. The post-petition work that Howard & Howard performed on the Matters was performed with the knowledge and permission of the legal department of the City of Detroit.

6. Of the \$10,777.96 in administrative expenses owing to Howard & Howard, \$9227.16 is attributable to the Swift Matter in which Howard & Howard represented a former employee, namely a police officer. Consequently, the issues surrounding the impact of the bankruptcy stay were complex and required research. Because the police officer had moved to Las Vegas, Nevada before the City of Detroit filed its Chapter 9 Petition, pre-petition Mr. Peyser had purchased the airline ticket from Detroit to Las Vegas so that he could attend a July 31, 2013 (i.e. post-petition) in-person meeting with the police officer. Shortly after the Petition Date, Mr. Keelan of the City of Detroit Legal Department instructed Mr. Peyser to attend that in-person meeting with the officer. A redacted copy of Howard & Howard's invoices for its post-petition work on the Swift Matter is attached as Exhibit 1.

7. Of the \$10,777.96 in administrative expenses owing to Howard & Howard, \$1550.80 is attributable to the Mendoza Matter, in which Howard & Howard represented the City of Detroit and certain of its police officers. There were issues surrounding the impact of the bankruptcy stay in the Mendoza case and they required research. A redacted copy of Howard & Howard's invoices for its post-petition work on the Mendoza Matter is attached as Exhibit 2.

8. Pursuant to 11 U.S.C. § 503 made applicable to this Chapter 9 case by virtue of 11 U.S.C. § 901(a), the \$10,777.96 in post-petition amounts owing to Howard & Howard constitute the actual, necessary costs and expenses of preserving the estate of the City of Detroit.

9. Howard & Howard reserves the right to supplement and/or amend this request for allowance and payment of its administrative expense claim.

WHEREFORE Howard & Howard Attorneys PLLC requests that this Court enter an Order substantially similar to Exhibit A attached and incorporated which grants the application of Howard & Howard Attorneys PLLC for allowance and payment of its administrative expense claim in the amount of \$10,777.96. Howard & Howard Attorneys PLLC also requests such other and further relief as this Court deems proper.

Dated: January 23, 2015

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ Lisa S. Gretchko  
Lisa S. Gretchko (P29881)  
Mark W. Peyser (P35473)  
Authorized Representatives of  
Howard & Howard Attorneys PLLC  
450 West Fourth Street  
Royal Oak, MI 48037  
Phone: 248-723-0396  
Fax: 248-645-1568  
e-mail: [lgretchko@howardandhoward.com](mailto:lgretchko@howardandhoward.com)  
[mpeyser@howardandhoward.com](mailto:mpeyser@howardandhoward.com)

4831-9952-1825, v. 3

## **INDEX OF EXHIBITS**

**Exhibit A-Proposed Order**

**Exhibit 1-Redacted Copy of Invoices for Post-Petition Work on the Swift Matter**

**Exhibit 2-Redacted Copy of Invoices for Post-Petition Work on the Mendoza Matter**

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

In re:

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor. \_\_\_\_\_ /

Hon. Steven W. Rhodes

**ORDER GRANTING APPLICATION OF HOWARD & HOWARD ATTORNEYS PLLC FOR  
ALLOWANCE AND PAYMENT OF ITS ADMINISTRATIVE EXPENSE CLAIM**

Howard & Howard Attorneys PLLC (sometimes hereinafter “Howard & Howard”) timely filed an application for allowance and payment of its administrative expense claim in the amount of \$10,777.96. This Court finds that the post-petition work that Howard & Howard performed was performed with the knowledge and permission of the legal department of the City of Detroit. The Court further finds that the \$10,777.96 requested by Howard & Howard for its post-petition services rendered constitute actual, necessary costs and expenses of preserving the estate of the City of Detroit. This Court has reviewed the Application of Howard & Howard Attorneys PLLC for Allowance and Payment of its Administrative Expense Claim and is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Howard & Howard Attorneys PLLC for Allowance and Payment of its Administrative Expense Claim in the amount of \$10,777.96 is hereby granted in its entirety.

IT IS FURTHER ORDERED that Howard & Howard Attorneys, PLLC is hereby granted an allowed administrative expense claim in the amount of \$10,777.96.

IT IS FURTHER ORDERED that the City of Detroit shall pay Howard & Howard Attorneys PLLC the sum of \$10,777.96 within thirty (30) days after entry of this Order.

4846-9728-1825, v. 2

**EXHIBIT A**

# **EXHIBIT 1**

**Howard & Howard**

law for business®

PAGE 5

450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568City of Detroit  
Attn: Dennis Burnett, Esq.  
Bill number 813970 - 00022 - 440474

07/19/13	AML	Conducted necessary and related legal research regarding the filing of Chapter 9 bankruptcy and the effects on pending claims where the the City of Detroit and its officers are parties to the litigation; telephone conference with judge's chambers regarding pending status of case in light of Chapter 9 filing; prepared filings and notice of bankruptcy.	1.90 hrs	342.00
07/22/13	MWP	Telephone conference with E. Keelan regarding bankruptcy filing of City; going forward and meeting with Paavola-Nobliski in Las Vegas (ticket already purchased) and related case matters/issues; review/revise notice of filing.	0.60 hrs	108.00
07/22/13	AML	Continued with necessary and related legal research regarding City of Detroit filing for Chapter 9 Bankruptcy and affect on pending matters; continued to prepare petition for automatic stay; compiled findings for M. Peyser; telephone conference with court regarding issuance of stay	1.50 hrs	270.00
07/22/13	AML	Conducted necessary and related legal research regarding status of Defendant and entitlement to stay under Chapter 9 as a former DPD officer; strategy conference with M. Peyser.	0.80 hrs	144.00

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PAGE 6

450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568City of Detroit  
Attn: Dennis Burnett, Esq.  
Bill number 813970 - 00022 - 440474

07/23/13	MWP	Email update to plaintiff's counsel regarding bankruptcy law - stay as to police defense/client; email to client regarding deposition cancelled, but client meeting still going forward.	0.40 hrs	72.00
07/23/13	AML	Continued with research and analysis concerning officers and the application of the automatic stay under chapter 9 filing.	1.80 hrs	324.00
07/23/13	AML	Conducted necessary and related legal research relating to Section 922	0.70 hrs	126.00
07/25/13	MWP	Review/revise draft summary judgment motion/brief; and conference with associate on same.	1.40 hrs	252.00
07/29/13	MWP	Review file materials and prepare for upcoming meeting with client (in-progress).	1.60 hrs	288.00
07/30/13	MWP	Prepare for meeting with client, J. Paavola-Nobliski, scheduled for 7/31/13.	2.80 hrs	504.00
07/31/13	MWP	Travel to and attend meeting with client, J. Paavola-Nobliski in Las Vegas (client's retired and resides in Las Vegas); work on memo to file regarding meeting with client.	9.30 hrs	1,674.00
07/31/13	AML	Telephone conference with Court regarding issuance of stay; drafted e-mail correspondence relaying conversation with court regarding issuance of stay.	0.60 hrs	108.00

## EXPENSES:

Photocopy charges at .10 per page

6.60



**Howard & Howard**

law for business•

450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568

September 6, 2013

City of Detroit  
Attn: Dennis Burnett, Esq.  
City of Detroit Law Department  
660 Woodward Avenue, Ste. 1650  
Detroit, MI 48226

Billed through 08/31/13

Bill Number 813970 - 00022 - 441762

Walter Swift v. Officer Janice Paavola,  
Nobliski, et al.

Balance forward \$ 37,180.30

## FOR PROFESSIONAL SERVICES RENDERED

08/01/13	MWP	Travel/return from Las Vegas to Detroit following client meeting; work on memo regarding client meeting.	6.80 hrs	1,224.00
08/02/13	MWP	Conference with associate, A. Leonowicz, regarding client meeting on 7/31/13; information learned and revisions to summary judgment draft motion in light of client meeting/information obtained.	0.80 hrs	144.00
08/05/13	AML	Continued to work to analysis and catalogue discovery materials : compiled findings for M. Peyser.	2.60 hrs	468.00
08/05/13	AML	Worked to analysis and catalogue discovery materials compiled findings for M. Peyser.	0.30 hrs	54.00

Total Fees For This Matter

\$ 1,890.00

**Howard & Howard**law for business<sup>®</sup>

450 West Fourth Street  
tel 248.645.1483

Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

City of Detroit  
Attn: Dennis Burnett, Esq.  
Bill number 813970 – 00022 - 441762

## EXPENSES:

Mileage expense – Mark W. Peyser Mileage to Airport for Travel to Las Vegas for Client Meeting	33.90
Travel expense – Mark W. Peyser Cab fare and meals in Las Vegas for Client Meeting	69.60
Airfare - *CR* Peyser Credit Care – Airfare to Las Vegas to meet with client, Janice Paavola.	118.00
Airfare - *CR* Peyser Credit Care – Airfare Agent fee, Delta Air.	35.00
Airfare - *CR* Peyser Credit Card – Airfare to Las Vegas to meeting with client, Janice Paavola.	503.80
	<u>\$760.30</u>

Total Expenses for This Matter

## BILLING SUMMARY:

Mark W. Peyser	7.60	hrs.	180 / hr	1,368.00
Alexander M. Leonowicz	2.90	hrs.	180 / hr	522.00
TOTAL FEES:			\$	1,890.00
TOTAL EXPENSES			\$	760.30
TOTAL CHARGES FOR THIS BILL:			\$	<u>2,650.30</u>

**Howard & Howard**

law for business•

450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568

October 10, 2013

City of Detroit  
Attn: Dennis Burnett, Esq.  
City of Detroit Law Department  
660 Woodward Avenue, Ste. 1650  
Detroit, MI 48226

Billed through 09/30/13

Bill Number 813970 - 00022 - 444900

Walter Swift v. Officer Janice Paavola,  
Nobliski, et al.

Balance forward \$ 39,830.60

## EXPENSES:

Parking - *CR* Peyser Credit Card - Parking for meeting with client in Las Vegas.	8.00
Travel expense - *CR* Peyser Credit Card - Meeting with client in Las Vegas, Bellagio - Room Res.	234.08
Travel expense - *CR* Peyser Credit Card - Meeting with client in Las Vegas, Bellagio Hotel & Casino.	61.78
Airfare - *CR* Peyser Credit Card - Airline agent fee, Delta Air.	35.00
Airfare - *CR* Peyser Credit Card - Airfare for meeting with client in Las Vegas, Delta Air.	190.00

Total Expenses For This Matter	\$ 528.86
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## BILLING SUMMARY:

TOTAL EXPENSES	\$ 528.86
TOTAL CHARGES FOR THIS BILL:	\$ 528.86

**Howard & Howard**law for business<sup>®</sup>450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568

June 4, 2014

City of Detroit  
Attn: Melvin Hollowell, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Rm. 502  
Detroit, MI 48226-3462

Billed through 05/31/14

Bill Number 813970 - 00022 - 463777

Walter Swift v. Officer Janice Paavola,  
Nobliski, et al.

Balance forward \$ 40,359.46

## FOR PROFESSIONAL SERVICES RENDERED

05/06/14	MWP	Telephone call from E. Keelean on case update.	0.20 hrs	36.00
Total Fees For This Matter				\$ 36.00

## BILLING SUMMARY:

Mark W. Peyser	0.20 hrs	180 / hr	36.00
TOTAL FEES:			\$ 36.00
TOTAL CHARGES FOR THIS BILL:			\$ 36.00

**Howard & Howard**law for business<sup>®</sup>450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568

July 8, 2014

City of Detroit  
Attn: Melvin Hollowell, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Rm. 502  
Detroit, MI 48226-3462

Billed through 06/30/14

Bill Number 813970 - 00022 - 466704

Walter Swift v. Officer Janice Paavola,  
Nobliski, et al.

Balance forward \$ 40,395.46

## FOR PROFESSIONAL SERVICES RENDERED

06/26/14	MWP	Email from Judge Lawson's office regarding mediation dates; draft letter in response to Judge Lawson on same.	0.30 hrs	54.00
06/26/14	MWP	Email from Court regarding scheduling mediation per Judge Lawson; review draft summary judgment motion/brief in support and open issues.	1.10 hrs	198.00

Total Fees For This Matter	\$	252.00
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## BILLING SUMMARY:

Mark W. Peyser	1.40 hrs	180 / hr	252.00
TOTAL FEES:		\$	252.00
TOTAL CHARGES FOR THIS BILL:		\$	252.00

**Howard & Howard**

law for business•

450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568

January 9, 2015

City of Detroit  
Attn: Melvin Hollowell, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Rm. 502  
Detroit, MI 48226-3462

Billed through 12/31/14

Bill Number 813970 - 00022 - 482693

Walter Swift v. Officer Janice Paavola,  
Nobliski, et al.

Balance forward \$ 40,647.46

## FOR PROFESSIONAL SERVICES RENDERED

12/09/14	MWP	Telephone conference with C. Raimi at Law Department on matter - upcoming meeting - and issues.	0.10 hrs	18.00
12/12/14	MWP	Emails to/from client regarding meeting to start review of file/relevant materials for upcoming meeting with client.	2.60 hrs	468.00
12/12/14	MWP	Continued review of file materials for upcoming meeting with City Law Department (in-progress).	1.60 hrs	288.00
12/17/14	MWP	Review file/selection materials for preparation with meeting with Chuck Rainier of Law Department.	1.40 hrs	252.00
12/18/14	MWP	Complete preparation for and attend meeting at court reporter with counsel and Mr. Charles Reimer and Ed Keclan.	2.90 hrs	522.00

Total Fees For This Matter \$ 1,548.00

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PAGE 2

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450 West Fourth Street  
tel 248.645.1483

EIN: 26-3880752

Royal Oak, MI 48067-2557  
fax 248.645.1568City of Detroit  
Attn: Melvin Hollowell, Esq.  
Bill number 813970 - 00022 - 482693

## BILLING SUMMARY:

Mark W. Peyser	8.60 hrs	180 / hr	1,548.00
TOTAL FEES:		\$	1,548.00
TOTAL CHARGES FOR THIS BILL:		\$	1,548.00

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# **EXHIBIT 2**



**Howard & Howard**

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PAGE 4

450 West Fourth Street  
tel 248.645.1483

Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

City of Detroit  
Attn: Edward V. Keelean, Esq.  
Bill number 813970 - 00023 - 442877

07/19/13	MWP	Conference with associate on bankruptcy filing and legal research on stay extended to employee (officer).	1.60 hrs	288.00
07/19/13	AML	Conducted necessary and related legal research regarding the filing of Chapter 9 bankruptcy and the effects on pending claims where the the City of Detroit and its officers are parties to the litigation; telephone conference with judge's chambers regarding pending status of case in light of Chapter 9 filing; prepared filings and notice of bankruptcy.	1.30 hrs	234.00
07/22/13	MWP	Telephone conference with E. Keelan on matters/client - employee status - for purposes of automatic stay given City of Detroit bankruptcy filing; review/revise notice of filing.	0.40 hrs	72.00
07/22/13	MWP	Email from/to plaintiffs' counsel on bankruptcy stay - case stayed against client.	0.20 hrs	36.00

# Howard & Howard

law for business•

450 West Fourth Street  
tel 248.645.1483

Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

City of Detroit  
Attn: Edward V. Keelean, Esq.  
Bill number 813970 - 00023 - 442877

07/22/13	AML	Continued with necessary and related legal research regarding City of Detroit filing for Chapter 9 Bankruptcy and affect on pending matters; continued to prepare petition for automatic stay; compiled findings for M. Peyser; telephone conference with court regarding issuance of stay	1.60 hrs	288.00
07/23/13	AML	Strategy conference with M. Peyser regarding reasonableness of the application of Chapter 9 bankruptcy and its application to the current case at bar.	0.50 hrs	90.00
07/25/13	AML	Worked to review and catalogue discovery materials.	0.80 hrs	144.00
07/27/13	AML	Continued to work to review and catalogue material from previous counsel in order to more efficiently proceed with case once stay has been lifted.	0.80 hrs	144.00

Total Fees For This Matter	\$	8,910.00
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**Howard & Howard**law for business<sup>®</sup>450 West Fourth Street  
tel 248.645.1483Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

September 11, 2013

City of Detroit  
Attn: Edward V. Keelean, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Detroit, MI 48226

Billed through 08/31/13

Bill Number 813970 - 00023 - 442911

Cristobal Mendoza and Annica Cuppetelli

Balance forward \$ 58,356.00

## FOR PROFESSIONAL SERVICES RENDERED

08/14/13 AML Worked to review and catalogue discovery material. 0.50 hrs 90.00

Total Fees For This Matter \$ 90.00

## EXPENSES:

Online research - Pacer 6.60

Total Expenses For This Matter \$ 6.60

## BILLING SUMMARY:

TOTAL FEES: \$ 90.00

TOTAL EXPENSES \$ 6.60

TOTAL CHARGES FOR THIS BILL: \$ 96.60

**Howard & Howard**

law for business•

450 West Fourth Street  
tel 248.645.1483Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

April 7, 2014

City of Detroit  
Attn: Edward V. Keelean, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Detroit, MI 48226

Billed through 03/31/14

Bill Number 813970 - 00023 - 458788

Cristobal Mendoza and Annica Cuppetelli

Balance forward \$ 58,452.60

## FOR PROFESSIONAL SERVICES RENDERED

03/24/14	MWP	Meeting with E. Keelean regarding recent letter from plaintiffs' counsel to Court; review Plaintiffs' counsel letter to Court on lifting stay and seeking immediate action; email to E. Keelean with our draft summary motion.	0.60 hrs	108.00
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Total Fees For This Matter	\$	108.00
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## BILLING SUMMARY:

TOTAL FEES:	\$	108.00
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TOTAL CHARGES FOR THIS BILL:	\$	108.00
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# Howard & Howard

law for business•

450 West Fourth Street  
tel 248.645.1483

Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

May 7, 2014

City of Detroit  
Attn: Melvin Hollowell, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Suite 500  
Detroit, MI 48226

Billed through 04/30/14

Bill Number 813970 - 00023 - 461444

Cristobal Mendoza and Annica Cuppetelli

Balance forward	\$	58,560.60
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EXPENSES:

Express Delivery - Federal Express Corp. Delivery to Michelle Walker, City of Detroit Law Dept.	14.20
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Total Expenses For This Matter	\$	14.20
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BILLING SUMMARY:

TOTAL EXPENSES	\$	14.20
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TOTAL CHARGES FOR THIS BILL:	\$	14.20
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**Howard & Howard**law for business<sup>®</sup>450 West Fourth Street  
tel 248.645.1483Royal Oak, MI 48067-2557  
fax 248.645.1568

EIN: 26-3880752

June 4, 2014

City of Detroit  
Attn: Melvin Hollowell, Esq.  
City of Detroit Law Department  
2 Woodward Avenue, Rm. 502  
Detroit, MI 48226-3462

Billed through 05/31/14

Bill Number 813970 - 00023 - 463778

Cristobal Mendoza and Annica Cuppetelli

Balance forward \$ 58,574.80

## FOR PROFESSIONAL SERVICES RENDERED

05/06/14	MWP	Telephone call from deputy corporate counsel, E. Keelean, on settlement reached.	0.20 hrs	36.00
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Total Fees For This Matter	\$	36.00
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## BILLING SUMMARY:

TOTAL FEES:	\$	36.00
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TOTAL CHARGES FOR THIS BILL:	\$	36.00
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