

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - Detroit

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9
Case No. 13-53846
Judge Thomas J. Tucker

**JACKIE'S TRANSPORT, INC.'S RESPONSE TO
DEBTOR'S TWELFTH OMNIBUS OBJECTION TO CERTAIN CLAIMS**

Jackie's Transport, Inc., by and through its counsel, OSIPOV BIGELMAN, P.C., responds to Debtor's Twelfth Omnibus Objection to Certain Claims as follows:

1. The allegations of paragraph one (1) are admitted.
2. The allegations of paragraph two (2) are admitted.
3. The allegations of paragraph three (3) are admitted.
4. The allegations of paragraph four (4) are admitted.
5. The allegations of paragraph five (5) are admitted.
6. The allegations of paragraph six (6) are admitted.
7. The allegations of paragraph seven (7) are admitted.
8. The allegations of paragraph eight (8) are denied as stated. On February 18, 2014, undersigned counsel caused a copy of the proof of claim for Jackie's Transport, Inc., a copy of which is attached hereto, to be sent by first class mail to the Debtor's claims agent. The manner and speed at which the claims agent chose to process the claim documents does not create a basis for disallowance of the claim.
9. The allegations of paragraph nine (9) are denied as stated. On February 18, 2014, undersigned counsel caused a copy of the proof of claim for Jackie's Transport, Inc., a copy of which is attached hereto, to be sent by first class mail to the Debtor's claims agent.



The manner and speed at which the claims agent chose to process the claim documents does not create a basis for disallowance of the claim.

10. The allegations of paragraph ten (10) are admitted.

11. The allegations of paragraph eleven (11) are admitted.

12. The allegations of paragraph twelve (12) are admitted.

13. The allegations of paragraph thirteen (13) are denied as it applies to the timeliness of the claim filed by Jackie's Transport, Inc.

14. No response required as averment is a legal conclusion. To the extent that any response is necessary, Jackie's Transport, Inc. neither admits nor denies the averment.

15. No response required as averment is a legal conclusion. To the extent that any response is necessary, Jackie's Transport, Inc. neither admits nor denies the averment.

16. No response required as averment is a legal conclusion. To the extent that any response is necessary, Jackie's Transport, Inc. neither admits nor denies the averment.

17. No response required as averment is a legal conclusion. To the extent that any response is necessary, Jackie's Transport, Inc. neither admits nor denies the averment.

WHEREFORE, Jackie's Transport, Inc. respectfully requests that this Court overrule the Debtor's objection to its proof of claim and grant all other relief as this Court deems just.

Respectfully submitted,

OSIPOV BIGELMAN, P.C.

Dated: April 27, 2015

/s/ William C. Blasses

YULIY OSIPOV (P59486)

WILLIAM C. BLASSES (P73945)

Attorneys for Jackie's Transport, Inc.

20700 Civic Center Drive, Suite 420

Southfield, MI 48076

(248) 663-1800

wcb@osbig.com, yo@osbig.com

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2015, I electronically filed:

- Jackie's Transport, Inc.'s Response to Debtor's Twelfth Omnibus Objection to Certain Claims
- Certificate Of Service

with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

City of Detroit
c/o John A. Simon
500 Woodward Ave., Suite 2700
Detroit, MI 48226

Respectfully submitted,

OSIPOV BIGELMAN, P.C.

Dated: April 27, 2015

/s/ William C. Blasses

YULIY OSIPOV (P59486)
WILLIAM C. BLASSES (P73945)
Attorneys for Jackie's Transport, Inc.
20700 Civic Center Drive, Suite 420
Southfield, MI 48076
(248) 663-1800
wcb@osbig.com, yo@osbig.com

UNITED STATES BANKRUPTCY COURT Eastern District of Michigan			PROOF OF CLAIM
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.			
Name of Creditor (the person or other entity to whom the debtor owes money or property): Jackie's Transport, Inc.		COURT USE ONLY	
Name and address where notices should be sent: Jackie's Transport, Inc. c/o Yuliy Osipov, 20700 Civic Center Dr., Suite 420, Southfield, MI 48076 Telephone number: (248) 663-1800 email: yo@osbig.com		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____	
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.	
1. Amount of Claim as of Date Case Filed: \$ <u>53,725.50</u>			
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.			
2. Basis for Claim: <u>Assignment of payments due to Upright Wrecking & Demolition</u> (See instruction #2)			
3. Last four digits of any number by which creditor identifies debtor: 6 4 0 1	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____ Value of Property: \$ _____ Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____	
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.			
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).		<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).		<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).	
<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).		<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)().	
		Amount entitled to priority: \$ _____	
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)			

B10 (Official Form 10) (04/13)

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7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted.")

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

☒ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Michael G. Bates

Title: President

Company: Jackie's Transport, Inc.

Address and telephone number (if different from notice address above):

7814 Chubb Road

Northville, MI 48187

Telephone number (248) 344-0047 email: _____

(Signature)

(Date)

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Creditor:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(e) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS**INFORMATION****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

Creditor

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

Claim

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

Secured Claim Under 11 U.S.C. § 506 (a)

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

Claim Entitled to Priority Under 11 U.S.C. § 507 (a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

Acknowledgment of Filing of Claim

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.

Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - Detroit

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.
_____ /

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

SUPPLEMENT TO PROOF OF CLAIM

Jackie's Transport, Inc. submits this Proof of Claim for moneys owed on a demolition project with the City of Detroit. From July 11, 2011 through September 9, 2011, Jackie's Transport, Inc. performed services as a subcontract for Upright Wrecking & Demolition, L.L.C. Following the completion of these services, Upright Wrecking & Demolition, L.L.C. assigned \$88,000.00 of the amount due and owing under their contract (No. 2820818) with the City of Detroit to Jackie's Transport, Inc., Assignment Agreement #6401.

To date, \$34,274.50 has been paid to Jackie's Transport, Inc. under the assignment agreement. Jackie's Transport, Inc. files this proof of claim to receive all amounts due and owing under City of Detroit Contract No. 2820818 up to the remaining \$53,725.50 balance of the amounts assigned.



City of Detroit
Finance Department
Voucher Audit

Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone 313-224-3306

Assignment Agreement

City of Detroit Contract/Purchase Order No. 2820818

UPRIGHT WRECKING

Assignor Name

5555 Conner Suite 1249
Detroit MI 48113

Assignor Address

Jackies Transport

Assignee Name

7811 Chubb Rd Naphville MI 48168

Assignee Address

2820818

Contract / Purchase Order Title

\$ 86,000

Amount Assigned

Type of Assignment:

1. Specific Accounts Assigned N/A

2. Comments: _____

For value received, the above designated Assignor hereby assigns to the above designated Assignee the amount stipulated above due or to become due from the City of Detroit, Michigan on account of the above designated City of Detroit Contract.

The Assignor hereby authorizes and directs the City of Detroit to pay to the Assignee all monies due or to become due and hereby authorizes the Assignee to receive and receipt for said monies or any portion thereof in the name of the Assignor, or otherwise as the City of Detroit may require.

The Assignor authorizes the City of draft the check payable to the Assignee in the manner as designated below:

Termination of Assignment: (Please check the one applicable)

- ☒ 1. This assignment shall terminate only upon agreement of termination by the Assignor and the Assignee and the signing of termination statement below.
- ☐ 2. The Assignor shall have the power to terminate this assignment at anytime without the approval or signature of the Assignee by signing the termination statement below.

6401

Dave Bing, Mayor

IN WITNESS WHEREOF, the hand and seal of the Assignor is herunto set this 20th day
of September a.d., 20 11.

In the Presence of:

Joseph Davis

JOSEPH DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES April 6, 2015
ACTING IN COUNTY OF Wayne

LAPLIGHT WRECKING
(Name of Assignor as stated in Contract)
By Steve Dany Officer
(Signature) (Title)
By _____
(Signature) (Title)

(Corporate)
(Seal)

JACKIES TRANSPORT
(Name of Assignee as stated in Contract)
By [Signature] President
(Signature) (Title)

By _____
(Signature) (Title)

(Corporate)
(Seal)

CONSENT OF SURETY

The Undersigned Surety of the above-designated City of Detroit Contract hereby consents to the
above assignment.

(Name of Surety)

(Date)

(Attorney in Fact)

(Corporate)
(Seal)

STATE OF MICHIGAN

J.S.

County of _____

(CORPORATE)

On this 20th day of Sept, 20 11, before me, a notary public in and for said county, appeared Miles Davis SR and to me known, who, being first duly sworn did each say that they are respectively the Officer and Secretary of Uppick-Wick LLC d/b/a, the corporation named in which executed the within instrument and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors.

(PARTNERSHIP)

On this _____ day of _____, 20 _____, before me, notary public in and for said county, appeared _____ and _____ to me known, who, being first duly sworn, did each for himself say that they are partners of _____ the partnership named in and which executed the within instrument and acknowledged said instrument to be the free act and deed of said partnership.

(PROPRIETORSHIP)

On this _____ day of _____, 20 _____, before me, notary public in and for said county, personally appeared _____ to me known, who being by me first duly sworn, did say that he is the proprietor of _____, named in and which executed the within instrument and acknowledged said instrument to be his free act and deed.

Subscribed and sworn to before me this 30th day of Sept 20 11.

My Commission expires: 04-06-2015
JOYCE DAVIS
NOTARY PUBLIC, STATE OF MI
COUNTY OF WAYNE
MY COMMISSION EXPIRES April 6, 2015
ACTING IN COUNTY OF WAYNE
Notary Public Joyce Davis County, Wayne

APPROVAL OF CITY OF DETROIT

(Finance Director)

Finance's Contract No. & P.O. No. 2820818 Finance's Assignment No. 16401
Above assignment was filed in the Office of the Finance Director this date.

Date 11/2/12 Finance Director [Signature]
Finance Department _____ Department _____ Assignor X Assignee