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

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| In re:<br>City of Detroit, Michigan,<br>Debtor. | Bankruptcy Case No. 13-53846<br>Honorable Thomas J. Tucker<br>Chapter 9 |

**CITY OF DETROIT'S *EX PARTE* MOTION FOR AN ORDER SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING ON THE MOTION FOR APPOINTMENT OF FACILITATOR TO ASSIST THE PARTIES IN IMPLEMENTING VEBA FOR INDIVIDUALS RETIRING FROM THE CITY OF DETROIT AFTER 1/1/2015**

The City of Detroit ("City") moves for the entry of an *ex parte* order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedures and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (a) shortening the notice period with respect to the City's Motion for Appointment of Facilitator to Assist the Parties in Implementing a New VEBA for Certain Individuals Retiring From the City of Detroit After 1/1/2015 (Doc. No. 11198) ("Motion"). In support of this *Ex Parte* Motion, the City respectfully states as follows:

1. 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." Fed. R. Bankr. P.

9006(c)(1). Local Rule 9006-1(b) further provides that "a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper." E.D. Mich. LBR 9006-1(b).

2. In addition, pursuant to Bankruptcy Rule 9007, "[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." Fed. R. Bankr. P. 9007.

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

4. As more fully set forth in the Motion, the parties have an urgent problem – City employees have been retiring since January 1, 2015, but the New VEBA is not set up. The City has set aside the funding, but because the relationship between the City and Union has broken down, the parties have been unable to move forward.

5. The City therefore requests that the Court hear the Motion on an expedited time frame. Subject to the Court's availability, the City requests that the Court schedule a hearing on the Motion on or before June 3, 2016.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit 1, granting the relief requested

in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: May 27, 2016

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Marc N. Swanson
Jonathan S. Green (P33140)
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

- and -

CITY OF DETROIT LAW DEPARTMENT

Charles N. Raimi (P29746)
2 Woodward Avenue, Suite 500
Detroit, Michigan 48226
Phone: (313) 237-0470
Email: raimic@detroitmi.gov

Attorneys for the City of Detroit

## EXHIBIT LIST

Exhibit 1 Proposed Order
Exhibit 2 Not Applicable (*Ex Parte* Relief Sought)
Exhibit 3 None
Exhibit 4 Certificate of Service
Exhibit 5 None
Exhibit 6 None

**EXHIBIT 1**

Proposed Order

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

| | |
|---|---|
| In re:<br>City of Detroit, Michigan,<br>Debtor. | Bankruptcy Case No. 13-53846<br>Honorable Thomas J. Tucker<br>Chapter 9 |

**ORDER GRANTING CITY OF DETROIT'S *EX PARTE* MOTION FOR AN ORDER SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING**

This matter coming before the Court on City of Detroit's *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to the Motion for Appointment of Facilitator to Assist the Parties in Implementing a New VEBA for Certain Individuals Retiring From the City of Detroit After 1/1/2015 (Doc. No. 11198). The Court having reviewed the *Ex Parte* Motion and having found that notice of the *Ex Parte* Motion was sufficient under the circumstances; having determined after due deliberation that the relief requested in the *Ex Parte* Motion is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The *Ex Parte* Motion is GRANTED.

2. A hearing with respect to the Motion for Appointment of Facilitator to Assist the Parties in Implementing a New VEBA for Certain Individuals Retiring

From the City of Detroit After 1/1/2015 (Doc. No. 11198 ) ("Motion") shall be held on June_____, 2016, at ___ :___ ___.m.

3. Any responses to the Motion must be filed no later than _____, 2016.

4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. This Court shall retain jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

**EXHIBIT 4 – CERTIFICATE OF SERVICE**

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

| | |
|---|---|
| In re: | Bankruptcy Case No. 13-53846 |
| City of Detroit, Michigan, | Honorable Thomas J. Tucker |
| Debtor. | Chapter 9 |

The undersigned hereby certifies that on May 27, 2016, he caused a copy of the foregoing **CITY OF DETROIT'S *EX PARTE* MOTION FOR AN ORDER SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING ON THE MOTION FOR APPOINTMENT OF FACILITATOR TO ASSIST THE PARTIES IN IMPLEMENTING VEBA FOR INDIVIDUALS RETIRING FROM THE CITY OF DETROIT AFTER 1/1/2015** to be served upon counsel to AFSCME via electronic mail and Federal Express overnight delivery (next business day) as follows:

Richard G. Mack, Jr.
MILLER COHEN PLC
600 West Lafayette Boulevard
4th Floor
Detroit, MI 48226
Telephone: (313) 566-4787
Facsimile: (313) 964-4490
richardmack@millercohen.com

Dated: May 27, 2016

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com