

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

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**CITY OF DETROIT’S *EX PARTE* MOTION FOR AN ORDER
EXTENDING THE CITY OF DETROIT’S DEADLINE TO FILE A
SUPPLEMENTAL BRIEF IN SUPPORT OF ITS OBJECTION TO THE
CLAIM OF JAJUAN MOORE**

The City of Detroit (“City”) moves for the entry of an *ex parte* order pursuant to Rule 9006-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan, Federal Rule of Bankruptcy Procedure 9006, and 11 U.S.C. § 105(a) extending the City’s deadline to file a supplemental brief in support of its objection to the claim of JaJuan Moore from June 29, 2016 to July 15, 2016. In support of this *Ex Parte* Motion, the City respectfully states as follows:

1. On March 10, 2016, the City filed its Thirty-Sixth Omnibus Objection to Certain Claims, including the claim of JaJuan Moore. [Doc. No. 10811]. Mr. Moore filed a response to the objection. [Doc. No. 11016].

2. On April 7, 2016, the City filed its *Ex Parte Motion* for an Order (I) Adjourning Hearing on Certain Responses Filed to the City’s Thirty-Sixth and Thirty-Seventh Omnibus Objections to Claims, and (II) Assigning Them to Be



Heard and Resolved Under the Established Process for Hearing and Resolving Employee Obligation Claims [Doc. No. 11050] (“Process Motion”). Mr. Moore’s claim was included in the Process Motion. On April 7, 2016, the Court entered an Order granting the Process Motion, thereby adjourning the hearing on Mr. Moore’s claim to June 15, 2016, at 1:30 p.m [Doc. No. 11054] (“Process Order”).¹ The Process Order also required the City to serve a supplemental brief on Mr. Moore and other claimants by April 21, 2016, because the City believed that all such claimants raised a common legal issue. Process Order ¶ 4.

3. As set forth in the Process Order, on April 21, 2016, the City filed its Supplemental Brief in Support of Expungement or Disallowance of Claims of “Employee Obligation Claimants” addressing this common legal issue [Doc. No. 11050] (“Supplemental Brief”). The substance of the City’s arguments with respect to all Employee Obligation Claimants was that these claims involved imposition of the City Employment Terms (“CETs”) lawfully undertaken by the City while it was either under a consent agreement or in receivership under Act 4 or 436.

¹ On April 14, 2016, this Court entered its Order Sustaining Debtor’s Thirty-Sixth Omnibus Objection to Certain Claims [Doc. No. 11082] (“36th Claims Order”). Paragraph two of the 36th Claims Order provided that the City’s objections to claim number 2098 of JaJuan Moore was adjourned for further hearing to be held on June 15, 2016. 36th Claims Order ¶ 2.

4. On June 15, 2016, the Court conducted the hearing. Mr. Moore was present at the hearing and addressed the Court. Mr. Moore's testimony at the hearing indicated that some portion of his claims may fall outside of legal issues that were addressed in the Supplemental Brief. At the hearing, the City requested an opportunity to investigate those portions of Mr. Moore's claim and was granted until June 29, 2016 to file a supplemental response. *See* Order Regarding the City of Detroit's Unresolved Objections to Claims Contained in the City's Twentieth, Twenty-Third, Twenty-Fifth, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Sixth, and Thirty-Seventh Omnibus Objection to Certain Claims ¶ 1 [Doc. No. 11293] ("Order Regarding Unresolved Objections").

5. Despite diligent efforts, the City has not been able to obtain the necessary historical data to be able to file its supplemental response today and requests a short additional period to assemble the information. Consequently, the City respectfully requests that the Court extend the June 29, 2016 deadline in the Order Regarding Unresolved Objections to July 15, 2016 (recognizing that the requested additional period includes a holiday).

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: June 29, 2016

By: /s/ Marc N. Swanson

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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 Ex Parte Relief]
- Exhibit 3 None [Brief Not Required]
- Exhibit 4 Certificate of Service [Motion Seeks Ex Parte Relief]
- Exhibit 5 None [No Affidavits Filed Specific to This Motion]
- Exhibit 6 None [No Exhibits Filed Specific to This Motion]

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
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CLAIM OF JAJUAN MOORE**

This matter comes before the Court on the *City of Detroit’s Ex Parte Motion for an Order Extending the City of Detroit’s Deadline to File a Supplemental Brief in Support of Its Objection to the Claim of JaJuan Moore* (Docket # _____, the “*Ex Parte Motion*”).¹ 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.

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the *Ex Parte Motion*.

2. The June 29, 2016, deadline set forth in paragraph one of the Order Regarding Unresolved Objections is extended to July 15, 2016.

3. The City must serve this Order on JaJuan Moore no later than June 30, 2016 and file proof of such service no later than July 1, 2016.

4. The Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

EXHIBIT 2

Not Applicable

EXHIBIT 3

Not Applicable

EXHIBIT 4 – CERTIFICATE OF SERVICE

Not Applicable

EXHIBIT 5

Not Applicable

EXHIBIT 6

Not Applicable