

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

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Thomas J. Tucker

**STIPULATION SEEKING ENTRY OF ORDER DISMISSING CITY'S
MOTION TO ENFORCE [DOCKET NO. 9523] AS MOOT PURSUANT TO
PARTIES' SETTLEMENT AND DISMISSAL OF ADVERSARY
PROCEEDINGS**

The City of Detroit ("City") and the Detroit Police Lieutenants and Sergeants Association ("DPLSA") (together, the "Parties" and each a "Party"), by and through their undersigned counsel and pursuant to the Parties' settlement and dismissal of the Adversary Proceedings, *Detroit Police Lieutenants and Sergeants Association v. City of Detroit*, E.D. Mich. Bankr. 15-ap-04207, and *Detroit Police Lieutenants and Sergeants Association v. City of Detroit*, E.D. Mich. Bankr. 15-ap-04209, hereby stipulate and request that this Court enter an order, in the form attached as Exhibit A which dismisses as moot, the City of Detroit's Motion for (I) Determination that the Detroit Police Lieutenants and Sergeants Association has Violated the Terms of the City of Detroit's Confirmed Plan of Adjustment and the Order Confirming It; and (II) Order (A) Enjoining Further Violations and (B)



Requiring Dismissal of State Actions (the “Motion to Enforce”) [Docket No. 9523]
on the following basis:

RECITALS

1. The Motion to Enforce arose out of a dispute between the City and the DPLSA over whether the City’s health plan provides health care coverage to spouses of active employees who are also City retirees (the “Disputed Spousal Health Care Coverage”).
2. In early 2015, after notifying the DPLSA of its intent to terminate it, the City ceased providing the Disputed Spousal Health Care Coverage.
3. On February 3, 2015, the DPLSA filed a charge with the Michigan Employee Relations Commission (“MERC”), alleging that the City of Detroit (the “City”) had violated the terms of its collective bargaining agreement with the City by terminating the Disputed Spousal Health Care Coverage (the “MERC Action”), and on February 11, 2015, the DPLSA filed an action for injunctive relief, based on the MERC Action, in the Wayne County Circuit Court, Case No. 15-001851-CL, seeking to enjoin the City from terminating the Disputed Spousal Health Care Coverage (the “Wayne County Action”)
4. On March 5, 2015, the City filed a Notice of Removal to this Court in the MERC Action (“Adversary Proceeding No. 15-04209”) and in the Wayne

County Action (“Adversary Proceeding No. 15-04207”) (together, the “DPLSA Adversary Proceedings”).

5. On March 25, 2015, the City filed the Motion to Enforce, alleging that the DPLSA Adversary Proceedings violated the injunction set forth in the City’s Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the “Plan”).
6. On March 30, 2015, pursuant to stipulations submitted by the Parties, this Court entered orders that stayed each of the DPLSA Adversary Proceedings pending the disposition of the Motion to Enforce.
7. DPLSA vigorously opposed the Motion to Enforce, and the City vigorously pursued it, with each party submitting evidence and legal arguments in support of their respective positions.
8. The Court held two hearings on the Motion to Enforce, and it remains pending.
9. Following the hearings on the Motion to Enforce, the DPLSA and the City have engaged in negotiations in an effort to resolve the issue of the Disputed Spousal Health Care Coverage. As a result of those negotiations, the Parties have entered into a settlement agreement that resolves the issues that were raised by the DPLSA Adversary Proceedings (the “Agreement”) and which

has resulted in the dismissal with prejudice and without costs of the DPLSA

Adversary Proceedings, thereby rendering the Motion to Enforce moot.

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DATED: July 19, 2016

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
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SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Thomas J. Tucker

**ORDER DISMISSING CITY’S MOTION TO ENFORCE [DOCKET NO.
9523] AS MOOT PURSUANT TO PARTIES’ SETTLEMENT AND
DISMISSAL OF ADVERSARY PROCEEDINGS**

This matter is before the Court pursuant to the Parties’ Stipulation for an Order Dismissing the City’s Motion for (I) Determination that the Detroit Police Lieutenants and Sergeants Association has Violated the Terms of the City of Detroit’s Confirmed Plan of Adjustment and the Order Confirming It; and (II) Order (A) Enjoining Further Violations and (B) Requiring Dismissal of State Actions, filed in the core proceeding [Docket No. 9523] As Moot Pursuant to the Parties’ Settlement and Dismissal of Adversary Proceedings, *Detroit Police Lieutenants and Sergeants Association v. City of Detroit*, E.D. Mich. Bankr. 15-ap-04207, and *Detroit Police Lieutenants and Sergeants Association v. City of Detroit*, E.D. Mich. Bankr. 15-ap-04209 [Docket No. __] (the “Parties’

Stipulation”). The Court has read the Parties’ Stipulation, finds good cause for entry of this Order and is otherwise fully advised in the premises:

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED that the City of Detroit’s Motion for (I) Determination that the Detroit Police Lieutenants and Sergeants Association has Violated the Terms of the City of Detroit’s Confirmed Plan of Adjustment and the Order Confirming It; and (II) Order (A) Enjoining Further Violations and (B) Requiring Dismissal of State Actions [Docket No. 9523] is dismissed as moot pursuant to the Parties’ settlement and dismissals of the Adversary Proceedings.