

**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 THAT CLAIM NO. 1868 IS RESOLVED BY THE DPOA
CBA AND THE CITY'S CONFIRMED PLAN OF ADJUSTMENT AND
FOR ORDER ALLOWING WITHDRAWAL OF
DPOA CLAIM NO. 1868 AS MOOT**

The City of Detroit, Michigan ("City") and the Detroit Police Officers Association ("DPOA"), by and through their undersigned counsel, hereby stipulate to the entry of an Order Confirming that Claim No. 1868 Is Resolved by the DPOA Collective Bargaining Agreement (the "DPOA CBA") and the City's Confirmed Plan of Adjustment and Allowing Withdrawal of DPOA Claim No. 1868 as Moot, in the form attached as Exhibit A. In support of their request, the City and the DPOA state the following:

1. On February 20, 2014, the DPOA filed Claim No. 1868.
2. DPOA asserts that Claim No. 1868 is a protective claim, which was filed during ongoing, Court-ordered mediation between the City and the DPOA in these Chapter 9 proceedings. DPOA asserts that Claim No. 1868 asserts current and



former DPOA members' alleged rights to a defense and indemnification from the City.

3. On or about October 1, 2014, the City and the DPOA entered into a collective bargaining agreement (the "DPOA CBA") that was ratified by DPOA members, approved by the State and incorporated into the Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (the "Plan of Adjustment"). See Plan of Adjustment and Exhibit II.D.5 thereto [Docket Nos. 8045; 8045-10, p. 29]. The Plan of Adjustment was confirmed by this Court pursuant to its November 12, 2014 Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit [Docket No. 8272] (the "Confirmation Order"). The Plan of Adjustment provided for the assumption of certain indemnification obligations. Plan of Adjustment, Section IV.O, p. 62.

4. The City and the DPOA further agree that (a) subject to the Plan of Adjustment and Confirmation Order, the rights of current and former members of the DPOA to defense or indemnification from the City asserted by Claim No. 1868 are controlled by the terms of the DPOA CBA; (b) Claim No. 1868 should be withdrawn as moot; (c) as a result of the withdrawal of Claim No. 1868, the DPOA and its members will have no right to receive any distribution in these bankruptcy proceedings based on Claim No. 1868.

WHEREFORE, the parties request the Court enter an Order in the form attached hereto as Exhibit A.

August 23, 2017

STIPULATED AND AGREED:

/s/ Barbara A. Patek

Barbara A. Patek, Esq.
Attorney for Creditor – DPOA
24 E. Flint Street, Suite 2
Lake Orion, MI 48362
(248) 814-9470
pateklaw@gmail.com

/s/ Marc N. Swanson

Marc N. Swanson (P71149)
Attorney for Debtor – City of Detroit
150 West Jefferson, Suite 2500
Detroit, MI 48226
(313) 496-7591
swansonm@millercanfield.com

-and-

-and-

/s/ James M. Moore
James M. Moore, Esq. (P17929)
Attorney for Creditor --DPOA
65 Cadillac Square Ste. 3727
Detroit, MI 48226
(313) 964-5600
jim@unionlaw.net

/s/ Letitia C. Jones

Letitia C. Jones (P52136)
Attorney for Debtor – City of Detroit
2 Woodward, Suite 500
Detroit, MI 48226
(313) 237-3002
joneslc@detroitmi.gov

EXHIBIT A

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

	X	
	:	
In re	::	Chapter 9
	::	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	::	Hon. Thomas J. Tucker
Debtor.	:	
	X	

**ORDER APPROVING STIPULATION TO WITHDRAW
CLAIM #1868 FILED BY DPOA AS MOOT**

This matter is before the Court on the stipulation filed on August 23, 2017 [Docket No. ____] entitled “Stipulation for or Entry of an Order Confirming that Claim No. 1868 is resolved by the DPOA CBA and the City’s Confirmed Plan of Adjustment and Allowing Withdrawal of DPOA Claim No. 1868 as Moot.” The Court finds that, subject to the Plan of Adjustment and Confirmation Order, the rights of current and former members of the DPOA to defense or indemnification from the City that were asserted by Claim No. 1868 are controlled by the terms of the DPOA CBA. Based on the Stipulation,

IT IS HEREBY ORDERED THAT Claim No. 1868 filed on behalf of Detroit Police Officers Association is withdrawn as moot.

IT IS FURTHER ORDERED THAT as a result of the withdrawal of Claim No. 1868, the Detroit Police Officers Association and its members will have no right to receive any distribution in these bankruptcy proceedings based on Claim No. 1868.

IT IS FURTHER ORDERED THAT this Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.