

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

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

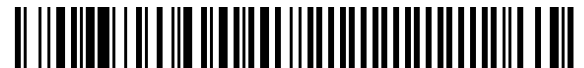
**STIPULATION RESOLVING JEROME COLLINS' MOTION FOR
RELIEF *NUNC PRO TUNC* FROM THIS COURT'S ORDER DATED
SEPTEMBER 29, 2016**

The City of Detroit, Michigan ("City") and Jerome Collins ("Collins"), by and through their undersigned attorneys hereby agree and stipulate as follows:

1. On September 11, 2015, the City filed the *Corrected Motion for the Entry of an Order (I) Enforcing the Plan of Adjustment Injunction and (II) Requiring the Dismissal with Prejudice of the Federal Court Action Filed by Jerome Collins to the Extent it Seeks Relief Against the City of Detroit or Property of the City of Detroit* [Doc. No. 10182] ("Corrected Enforcement Motion").

2. The Court held a hearing on the Corrected Motion on September 28, 2016. The following day, the Court entered an order providing in pertinent part:

No later than October 5, 2016, Jerome Collins must dismiss, or cause to be dismissed, Case No 15-11756 filed with the United States District Court for the Eastern District of Michigan, Southern Division, and captioned *Jerome Collins vs. City of Detroit, Detroit Police Department, Ralph Godbee, former Police Chief, Mattie Lewis, former Police Officer, and John Does, whose identities are presently unknown* to the extent it seeks any relief against the City of Detroit or property of the City of Detroit, including to the extent it seeks any



relief against any current or former employee of the City of Detroit in his/her official capacity.

Order Granting, in Part, the Corrected Motion ¶ 2 [Doc. No. 11597] (“Order”)

3. Collins did not comply with the Order.

4. On April 7, 2017, Collins filed in the U.S. District Court for the Eastern District of Michigan (“District Court”) a *Motion to Lift Stay of Litigation to Permit Collins in an Amended Complaint to Pursue Federal or State Tort or Other Claims, against City of Detroit, Detroit Police Department, Ralph Godbee, Chief James Craig, et al Police Officers or Others Who Violated His Right* [Doc. No. 19 in Case No. 15-11756] (“Stay Motion”).

5. On April 14, 2017, Collins filed in the District Court a *Motion for an Order of Dismissal of Complaint Against Defendants in Their Official Capacities* [Doc. No. 20 in Case No. 15-11756] (“Dismissal Motion”).

6. On June 1, 2017, the District Court entered an Order denying the Stay Motion and Dismissal Motion [Doc. No. 24 in Case No. 15-11756] (“Order Denying Motions”). As set forth in the Order Denying Motions, the Dismissal Motion was denied “because plaintiff must seek this relief in the Bankruptcy Court. Plaintiff seeks to be excused from missing a filing deadline imposed by the Bankruptcy Court; plaintiff must apply to that court, not this Court, for any such relief.” Order Denying Motions (footnote omitted).

7. On June 30, 2017, Collins filed the Motion for Relief *Nunc Pro Tunc* from this Court's Order Dated September 29, 2016 [Doc. No. 11934] ("First Motion").

8. On July 7, 2017, Collins filed a second Motion for Relief *Nunc Pro Tunc* from this Court's Order Dated September 29, 2016 [Doc. No. 11947] ("Second Motion" and together with the First Motion, the "Motion").¹

9. The Motion essentially requests that this Court extend the October 5, 2016, deadline in the Order to allow Collins to file a dismissal in the District Court.

NOW, THEREFORE, the parties stipulate and agree that no later than December 22, 2017, Jerome Collins must file the stipulation attached hereto as Exhibit A. The parties respectfully request that the Court enter the Order attached as Exhibit B.

Respectfully submitted,

Benjamin Whitfield Jr & Assoc., PC By: <u>/s/ Benjamin Whitfield Jr.</u> Benjamin Whitfield Jr. (P23562) 547 East Jefferson Ave, #102 Detroit, MI 48226 Tel. (313) 961-1000 Fax. (313) 961-3110 benwlaw123@aol.com Attorney for Jerome Collins	Miller Canfield Paddock & Stone, PLC By: <u>/s/ Marc N. Swanson</u> Marc N. Swanson (P71149) 150 West Jefferson, Suite 2500 Detroit, Michigan 48226 Telephone: (313) 496-7591 Facsimile: (313) 496-8451 swansonm@millercanfield.com Attorneys for the City of Detroit, Michigan
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¹ The First Motion and the Second Motion appear to be substantially similar.

DATED: December 11, 2017

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

Jerome Collins,

Plaintiff,

v.

**City of Detroit, Detroit Police
Department, Ralph Godbee**, former
Police Chief, **Mattie Lewis**, former
Police Officer, and **John Does**, whose
identities are presently unknown,

Defendants.

Civil Action No. 15-cv-11756

Honorable Bernard A. Friedman

Attorney for Plaintiff
Benjamin Whitfield Jr & Assoc., PC

Benjamin Whitfield Jr. (P-23562)
547 East Jefferson Ave, #102
Detroit, MI 48226
Tel. (313) 961-1000
Fax. (313) 961-3110
benwlaw123@aol.com

Attorneys for Defendants
City of Detroit Law Department
Letitia C. Jones (P-52136)
Deputy Corporation Counsel
2 Woodward Avenue, Suite 500
Coleman A. Young Municipal Center
Detroit, Michigan 48226
Tel. (313) 237-0470
Fax. (313) 224-5505
jonelc@detroitmi.gov
junttilah@detroitmi.gov

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO THE CITY OF
DETROIT, DETROIT POLICE DEPARTMENT, RALPH GODBEE
(OFFICIAL CAPACITY), MATTIE LEWIS (OFFICIAL CAPACITY), AND
JOHN DOES (OFFICIAL CAPACITY)**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Voluntary
Dismissal by the Plaintiff Without a Court Order, Jerome Collins, Plaintiff in the
above-captioned proceeding, and Defendants City of Detroit, Detroit Police

Department, Ralph Godbee, and Mattie Lewis, hereby stipulate to the dismissal of the above captioned lawsuit with prejudice, and without costs or fees to either party, (a) to the extent it seeks any relief against the City of Detroit or property of the City of Detroit, (b) as to Defendants the City of Detroit and Detroit Police Department, (c) as to Defendants Ralph Godbee and Mattie Lewis, in their official capacity as former Detroit police officers, and (d) as to any John Doe in their official capacity as an employee or officer of the City of Detroit.

The City reserves all rights, claims and defenses with respect to the remaining claims in the above-captioned action.

So stipulated.

Dated: December____, 2017

Benjamin Whitfield Jr & Assoc., PC By: <u>/s/ Benjamin Whitfield Jr.</u> Benjamin Whitfield Jr. (P23562) 547 East Jefferson Ave, #102 Detroit, MI 48226 Tel. (313) 961-1000 Fax. (313) 961-3110 benwlaw123@aol.com Attorney for Plaintiff	City of Detroit Law Department <u>/s/ Letitia C. Jones</u> Letitia C. Jones (P52136) 2 Woodward, Suite 500 Detroit, Michigan 48226 Tel. (313) 237-3002 Fax. (313) 224-5505 jonelc@detroitmi.gov Attorney for Defendants
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EXHIBIT B

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

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING STIPULATION RESOLVING JEROME COLLINS'
MOTION FOR RELIEF *NUNC PRO TUNC* FROM THIS COURT'S
ORDER DATED SEPTEMBER 29, 2016**

Upon the Stipulation by and Between the City of Detroit, Michigan and Jerome Collins Resolving Jerome Collins' Motion for Relief *Nunc Pro Tunc* from This Court's Order Dated September 29, 2016 ("Stipulation");¹ and the Court being otherwise advised in the premises;

IT IS ORDERED THAT no later than December 22, 2017, Jerome Collins must file the stipulation attached as Exhibit A to the Stipulation.

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation