

**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 WITHDRAWING DEBTOR'S OBJECTION WITHOUT
PREJUDICE TO PROOF OF CLAIM NUMBER 1064 OF
CLAIMANTS ABRAHAM GREER AND SANDRA GREER**

Abraham Greer and Sandra Greer, the Claimants, and the City of Detroit, Michigan (the "City"), by and through their undersigned counsel, stipulate and agree as follows in support of the entry of the Order Withdrawing Debtor's Objection without prejudice to Claim No. 1064 filed by Abraham Greer and Sandra Greer, attached hereto as Exhibit 1.

1. Abraham Greer and Sandra Greer filed Claim Number 1064, on February 18, 2014.

2. Claim No. 1064 asserts a claim against the City in the amount of \$1,500,000.00, and is based on alleged property damage and health problems resulting from a sewer malfunction. No lawsuit against the City on the basis of the asserted Claim had been filed as of the petition date, July 18, 2013.

3. On October 7, 2016, the Claimants filed a lawsuit against the City in the Third Judicial Circuit Court in Wayne County, Michigan, captioned *Greer v.*



City of Detroit - Water and Sewerage Department, Case No. 16-012832 (the “State Court Case”).

4. The Alternative Dispute Resolution Procedures established by this Court on December 24, 2013, permitted the City to serve upon claimants a Stay Modification Notice requiring the claimant to promptly proceed with the prosecution of his claims in the appropriate non-bankruptcy forum [Doc. No. 2302, Annex 1].

5. On July 28, 2017, the City filed a Stay Modification Notice with respect to Claim No. 1064 [Doc. No. 12052].

6. The City objected to Claim No. 1064 in the *Debtor’s Fifth-Sixth Omnibus Objection to Certain Claims* [Doc. No. 12763] filed on April 18, 2018 (the “Objection”).

7. Claim No. 1064 will be liquidated in the State Court Case. Following liquidation, Claim No. 1064 shall be treated as a general unsecured non-priority claim against the City, in the liquidated amount of Claim. No. 1064, which will be treated in accordance with the terms of the City’s *Eighth Amended Plan of the Adjustment of Debts of the City of Detroit* (the “Plan”) [Doc. No. 8045].

8. The City and the Claimants further agree the City’s Objection as to Claim No. 1064 is hereby withdrawn without prejudice.

9. Nothing in this stipulation shall be construed as an admission by the City of any liability to the Claimants on account of or related to the facts and circumstances asserted in Claim No. 1064, or as a waiver of any arguments or defenses the City may have with regard to these asserted facts and circumstances.

WHEREFORE, the City and the Claimants respectfully request that the Court enter an order in the form attached as Exhibit 1 hereto.

Respectfully submitted,

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Dated: May 14, 2018

EXHIBIT 1

**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

**ORDER WITHDRAWING DEBTOR'S OBJECTION WITHOUT
PREJUDICE TO PROOF OF CLAIM NUMBER 1064 OF
CLAIMANTS ABRAHAM GREER AND SANDRA GREER**

Upon the *Stipulation Withdrawing Debtor's Objection to Proof of Claim Number 1064 of Claimants Abraham Greer and Sandra Greer* (the "Stipulation") [Doc. No. __]¹ submitted by the City of Detroit (the "City") and Claimants Abraham Greer and Sandra Greer, the holders of Claim Number 1064, for entry of an order withdrawing the Debtor's objection as to Claim Number 1064; and the Court being fully advised in the premises,

IT IS ORDERED that:

1. Claim No. 1064 will be liquidated in the State Court Case. Following liquidation, Claim No. 1064 shall be treated as a general unsecured non-priority claim against the City, in the liquidated amount of Claim No. 1064, which will be

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

treated in accordance with the terms of the City's *Eighth Amended Plan of the Adjustment of Debts of the City of Detroit* [Doc. No. 8045].

2. The City's Objection as to Claim No. 1064 is hereby withdrawn without prejudice.

3. Nothing in this Order shall be construed as an admission by the City of any liability to the Claimants on account of or related to the facts and circumstances asserted in Claim No. 1064, or as a waiver of any arguments or defenses the City may have with regard to these asserted facts and circumstances.