

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 13-53846

CITY OF DETROIT, MICHIGAN,

Chapter 9

Debtor.

Judge Thomas J. Tucker

**ORDER SETTING DEADLINE BY WHICH CLAIMANT DERREZ PAYNE
MUST TAKE CERTAIN ACTION, REGARDING CLAIM NO. 1125**

This case came before the Court for hearing on May 23, 2018, on the Debtor's Fifty-Seventh Omnibus Objection to Certain Claims, filed April 18, 2018 (Docket # 12764, the "57th Omnibus Claim Objection"). Claimant Derrez Payne appeared at the hearing, as did counsel for the Debtor. Confirming certain action taken during the hearing,¹ and for the reasons stated by the Court on the record during the hearing,

IT IS ORDERED that:

1. The 57th Omnibus Claim Objection is sustained, with respect to the claim of Derrez Payne (Claim No. 1125), to the extent of the relief provided by this Order, and otherwise is overruled.
2. No later than June 22, 2018, in order to avoid the entry of an Order by this Court disallowing his claim (Claim No. 1125), claimant Derrez Payne must take appropriate action to reactivate and once again begin prosecuting the lawsuit against the City that he previously filed in the Wayne County Circuit Court (Case No. 12-013105-CZ, *Derrez Payne v. City of Detroit, et al.*).
3. Derrez Payne must promptly serve the City's counsel in this bankruptcy case, Marc N. Swanson, by mail, with a copy of all items Mr. Payne files in the Wayne County Circuit Court in order to comply with this Order.
4. If Derrez Payne fails to timely comply with paragraph 2 of this Order, the City may file an affidavit of non-compliance and submit a proposed order disallowing Mr. Payne's claim in this bankruptcy case, and the Court may enter such order, without further notice or hearing.
5. The Clerk will serve a copy of this Order upon Derrez Payne, at the address he gave on the record during the May 23, 2018 hearing (14121 Patton, Detroit, MI 48223).

¹ This Order concerns only the City's objection to the claim of Derrez Payne. The remainder of the City's 57th Omnibus Claim Objection will be decided by one or more other, separate orders to be entered.



Signed on May 23, 2018



/s/ Thomas J. Tucker

**Thomas J. Tucker
United States Bankruptcy Judge**