Docket #12990 Date Filed: 01/17/2019

## 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. Judge Thomas J. Tucker

## **CERTIFICATION OF NO RESPONSE OR OBJECTION** REGARDING DEBTOR'S SIXTY-THIRD OMNIBUS OBJECTION TO **CERTAIN CLAIMS**

(No Valid Basis for any Liability of the City)

On November 13, 2018, the City Of Detroit ("City") filed its Sixty-Third Omnibus Objection to Certain Claims (No Valid Basis for any Liability of the City) ("63<sup>rd</sup> Omnibus Objection") [Doc. No. 12942]. The 63<sup>rd</sup> Omnibus Objection was served by the City's claims and noticing agent, Kurtzman Carson Consultants, upon the claimants identified in Exhibit 2 of the 63<sup>rd</sup> Omnibus Objection at the address set forth by each of the claimants on its respective proof of claim, and all other parties who have requested notice pursuant to Bankruptcy Rule 2002. See Certificate of Service Exhibit A.

One response to the 63<sup>rd</sup> Omnibus Objection was filed with the Court by Nathaniel Brent, holder of claim number 3774 [Doc. No. 12985]. The City has excluded this claim in paragraph 2 of the Order.

No other responses to the 63<sup>rd</sup> Omnibus Objection have been filed with the Court and the time to do so has passed. The City respectfully requests that the Court enter an order in substantially the same form as the one which was attached to the 63<sup>rd</sup> Omnibus Objection. *See Proposed Order* Exhibit B.

Respectfully submitted,

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DATED: January 17, 2019

## Exhibit A

## 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
	/	

### **CERTIFICATE OF SERVICE**

I, Lydia Do, certify and say that I am employed by Kurtzman Carson Consultants LLC (KCC), the claims and noticing agent for the Debtor in the above-captioned case.

On November 13, 2018, at my direction and under my supervision, employees of KCC caused to be served the following document via Email on the service list attached hereto as **Exhibit A**; and via First Class mail on the service lists attached hereto as **Exhibit B** and **Exhibit C**:

• Debtor's Sixty-Third Omnibus Objection to Certain Claims (No Valid Basis for Any Liability of the City) [Docket No. 12942]

Dated: November 19, 2018

/s/ Lydia Do Lydia Do KCC 2335 Alaska Ave El Segundo, CA 90245

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In re City of Detroit, Michigan Case No. 13-53846

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In re City of Detroit, Michigan Case No. 13-53846

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In re City of Detroit, Michigan Case No. 13-53846

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# **EXHIBIT B**

#### Exhibit B Served via First Class Mail

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Union Representative	AFSCME Local #0023	Attn: Robert Stokes	600 W. Lafayette, Ste. 134		Detroit	MI	48226	
Union Representative		Attn: Phillip Douglas	14022 Linwood		Detroit	MI	48238	
Union Representative		Attn: Laurie Walker	600 W. Lafayette, Ste. L – 104		Detroit	MI	48226	
Union Representative	AFSCME Local #1220	Attn: Gerald Thompson	600 W. Lafayette, Ste. 136		Detroit	MI	48226	
					Grosse Point			
Union Representative	AFSCME Local #1227	Attn: Joseph Walter	P.O. Box 36314		Farms	MI	48236	
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In re City of Detroit, Michigan Case No. 13-53846

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Federation of State, County and Municipal Employees								
(AFSCME), AFL-CIO	The Sanders Law Firm PC	Herbert A Sander	615 Griswold St Ste 913		Detroit	MI	48226	
	U.S. Bank National Association, as							
	trustee, bond registrar transfer agent,							
Top 20 Creditor - City's Secured & Unsecured Bonds	paying agent, custodian and/or contract							
(Including Sewer and Water)	administrator	Attn: Susan T. Brown	Senior Vice President and Manager	535 Griswold Ste 550	Detroit	MI	48226	
	U.S. Bank National Association, as		-					
Top 20 Creditor - City's Secured & Unsecured Bonds	trustee, for the Detroit Sewar and Water							
(Including Sewer and Water Bonds)	Bonds	Attn: Lawrence J. Bell	PD-OR-P6TD		Portland	OR	97204	
Counsel for United States of America	Unites States Attorney	Julia A. Caroff, Asssitant US Attorney	211 W Fort St Ste 2001		Detroit	MI	48226	
	Utility Workers Union of America Local							
Union Representative	#488	Attn: Carl Anderson	19315 Westmoreland		Detroit	MI	48219	
	Utility Workers Union of America Local				Shelby			
Union Representative	#504	Attn: Curlisa Jones	5405 Railview Ct Apt. 166		Township	MI	48316	
Counsel for U.S. Bank National Association (Top 20								
Creditor)	Waller Lansden Dortch & Davis LLP	Attn: Courtney Rogers	511 Union Street, Suite 2700		Nashville	TN	37219	
Counsel for Assured Guaranty Municipal Corporation	Winston & Strawn LLP	Sarah T. Foss	1111 Louisiana 25th Fl		Houston	TX	77002-5242	

# **EXHIBIT C**

### Exhibit C Served via First Class Mail

CreditorName	CreditorNoticeName	Address1	Address2	City	State	Zip
Anthony McCloud	Thompson & Bishop Law Offices	946 Kenmore Blvd		Akron	OH	44314
Arnold Freeman	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
Brown, Henry (in Pro Per And Incarcerated)	Gladys Wright		P.O. Box 303	Cobb	GA	31735
Brown, Henry (in Pro Per And Incarcerated)	IN PRO PER	Oaks Correctional Facility	1500 Cabarfae Hwy	Manistee	MI	49660-9200
David Rivera	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
		Garris, Garris, Garris & Garris,	300 East Washington			
Eddie Adams	Michael J. Garris (P30185)	P.C.	Street	Ann Arbor	MI	48104
Eric Peeples	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
Exander Poe	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
Fakhoury Law Firm Pc	Attn Accounts Payable	225 South Main St Floor 3		Royal Oak	MI	48067
		LaBelle Law Office of Joseph				
Hayes, Latashia	Ozormoor, Joseph	T. Ozormoor	469 La Belle Rd	Grosse Pointe Farms	MI	48236
Heidi Peterson (Plaintiff in Wayne County Circuit Suit						
Against Water Department/City et. al.)	c/o Charles Idelsohn Attorney	P.O. Box 856		Detroit	MI	48231
Jamal Jennings	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
James Herbert	Mark S. Demorest	Demorest Law Firm, PLLC	322 W. Lincoln	Royal Oak	MI	48067
Kim Spicer		29357 Sandalwood		Roseville	MI	48066
Lee Jones	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
Major L. Russell		15358 Rutherford		Detroit	MI	48227
Martin, Celeste		2409 Canton		Detroit	MI	48207
Martin, Celeste	Forbes Cecil	17544 Lesure		Detroit	MI	48235
Nathaniel Henry Brent		538 South Livernois		Detroit	MI	48209
Perry Anderson	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	ОН	44314
Ralph Glenn Jr.	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	OH	44314
Robert Cureton	James S. Craig, Esq.	19390 W. Ten Mile Rd.		Southfield	MI	48075
Samuel Shack	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	OH	44314
Sergio Love	James S. Craig, Esq.	19390 W. Ten Mile Rd.		Southfield	MI	48075
		17600 Northland Park Court,				
Tiffany Dixon	We Fight the Law, PLLC	Suite 210		Southfield	MI	48075
Todd, Jr., Ira Lee	Stefani, Michael L.	Stefani & Stefani PC	512 E 11 Mile Rd	Royal Oak	MI	48067
Vincent Fields	Thompson & Bishop Law Offices	946 Kenmore Blvd.		Akron	OH	44314
		LaBelle Law Office of Joseph				
Walker, Clifton	Ozormoor, Joseph	T. Ozormoor	469 La Belle Rd	Grosse Pointe Farms	MI	48236
Warren Chiropractic & Rehab Clinic	Kepes & Wine, P.C.	27200 Lahser Rd, Ste 200		Southfield	MI	48034

In re City of Detroit, Michigan Case No. 13-53846

## Exhibit B

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

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Judge Thomas J. Tucker
Debtor.	Chapter 9

# ORDER SUSTAINING DEBTOR'S SIXTY-THIRD OMNIBUS OBJECTION TO CERTAIN CLAIMS

(No Valid Basis for any Liability of the City)

Upon review of the sixty-third objection to claims (the "Objection"), of the Debtor, City of Detroit, Michigan (the "City"), seeking entry of an order disallowing and expunging each of the claims listed on Exhibit 2 to the Objection; and it appearing that this Court has jurisdiction over the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII of the Plan; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this proceeding and the Objection in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Objection is in the best interests of the City, and its creditors; and due and proper notice of the Objection having been given as provided in the Objection; and it appearing that no other or further notice of the Objection need be given; and a hearing on the Objection having been held before the Court; and any

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<sup>&</sup>lt;sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Objection.

objections or other responses to the Objection having been overruled or withdrawn; and the Court finding that the legal and factual bases set forth in the Objection and at the hearing establish just cause for the relief granted; and after due deliberation and good and sufficient cause appearing therefore;

### IT IS ORDERED that:

- 1. The Objection is sustained.
- 2. Each of the proofs of claim listed on Exhibit 2 annexed to the Objection is hereby disallowed and expunged in its entirety, pursuant to Section 502(b) of the Bankruptcy Code except for claim number 3774 filed by Nathaniel Brent which is set for hearing on February 20, 2019, at 1:30 p.m.
- 3. The City's claims agent is authorized to update the claims register to reflect the relief granted in this Order.
- 4. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.
- 5. Each claim and the objections by the City to each claim as addressed in the Objection and set forth on Exhibit 2 constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed and constitute a separate order with respect to each such claim and, to the extent necessary under Bankruptcy Rules 7054 and 9014, constitutes a final judgment with respect to such claim, and the Court expressly determines that there is no just

reason for delay of the entry of the final judgment with respect to such claim. Any stay of this Order shall apply only to the contested matter that involves such creditor and for which such stay has been granted or may be in effect, and shall not act to stay the applicability or finality of this Order with respect to the other contested matters covered hereby, and further provided that the City shall have the right, but not the need, to submit a separate order with respect to contested matters or claims.

- 6. The City retains all of its rights to object, on the merits or any other basis, to any of the Claims identified on Exhibit 2.
- 7. Notice of the Objection as provided therein is good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a) and the local rules of the Court are satisfied by such notice.
- 8. Nothing in this Order is intended to, shall constitute or shall be deemed to constitute the City's consent, pursuant to section 904 of the Bankruptcy Code, to this Court's interference with (a) any of the political or governmental powers of the City, (b) any of the property or revenues of the City or (c) the City's use or enjoyment of any income-producing property.