Docket #13249 Date Filed: 03/06/2020

United States Bankruptcy Court

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US BANKRUPTCY MIE-DET

Eastern District of Michigan

Southern Division

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846
Judge Thomas J. Tucker
Chapter 9

Cain's Objection to City of Detroit's Objection to Claim 799

Now Comes Darryl Cain, Creditor, Plaintiff In proper, files this objection ("Objection") asking this Court to allow Creditors claim 799. In Support of this Objection he respectfully states the following:

1. Cain objects to the disallowance of his Claim Stating that the Claim 799 Official Form 10 is under the applicable rules as a "written statement setting forth a Creditor's Claim." Fed. R. Bankr. P. 3001. Which the amount should not be reduced by this Court or the District Court because the City of Detroit does not provide a substantive basis for disallowing the claims.

2. Cain objects especially to the City's claim that they recieved a ballot from Cain voting to accept Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014), [Doc. No. 8045] ("Plan"), and making a Convenience Class election for Claim 799, because:

(a). Cain was in administrative Segregation at Oaks Correctional Facility

from March 2014 through September 2014 when both a CD ROM and Ballot form was sent by mail to Cain, (which was considered Contraband);

(b). Cain was unable or allowed to watch the CD ROM that Contained the proper information of what the ("Plan") was and had to return it from whence it Came;

(C). Without watching the CD ROM Cain did not Comprehend or understand what he was Voting for or against so I filled out the necessary information without Voting, Cain did not check either box and sent both ballot and CD ROM back by Prisoner Expedited Legal Mail; and

(d). therefore, if in fact the City Say Cain voted for the ("Plan") by showing any documentation it is a falsified and a fraudulent document.

3. The City's reason for objecting is because the claim is unmatured and Contingent Cannot stand they have to have a reason other than because such claim is Contingent or unmatured and that I voted for a ("Plan") is frivolous and meritless and the City does not provide a substantive basis for disallowing the Claims.

4. Cain alleged in his First Amended Complaint, Case No. 13-10525, page 1 states in part: "On June 7, 2010 Sgt Carroll arrested darryl Cain without a warrant on Wayburn Street in the City of Detroit. On June 10, 2010, more than forty-eight hours after arrest without warrant and while mr. Cain remained in Custody was arraigned. Mr. Cain's prompt judicial determination of probable Cause was presumptively and unreasonably delayed by Sgt. Carroll by failing to timely Secure judicial review of Such warrantless arrest.

The City of Detroit, have failed to adequately train, Supervise, and monitor police officers; to review and evaluate the basis of warrantless arrests and Secure timely Judicial review of such arrests; and to implement effective systems to ensure that management Controls adopted by the detroit police department are properly Carried out. The defendants, through their acts or omissions, have engaged in and Contine to engage in a pattern or practice of Conduct by detroit police department officers of arresting without warrant and failing to Secure timely judicial review of warrantless arrest of person in the City of Detroit and are engaging in a pattern or practice of Conduct by detroit police officers of subjecting individuals to illegal detentions."

Herefore, Cain respectfully asks this Court to allow his Claim, not reduce the Claim and I'd like to attend the hearing on the objection scheduled to be held March 18, 2010 at 1:30 pm. I am an incarcerated prisoner my attendance is not excused by mutual agreement between myself and the City's attorney. Or in alternative I request a Certified Copy of the transcripts of the hearing, Please & Thank you.

Respectfully Submitted

Creditor
Plaintiff
Inpro per
Darryl Cain

Certificate of Service

I [signature] hereby declare I mailed by Prisoner Expedited Legal Mail One Copy of Objection to City of Detroit's Objection to Claim 799 to the U.S. Bankruptcy Court, 211 W. Fort St., Suite 1900, Detroit, Michigan 48226 and One Copy to Miller, Canfield, Paddock & Stone, PLC, Attn: Marc N. Swanson, 150 West Jefferson, Suite 2500, Detroit, Michigan 48226 on March 3, 2020.