

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In the matter of:

CITY OF DETROIT, MICHIGAN,  
  
Debtor.

Case No. 13-53846

Chapter 9

Judge Thomas J. Tucker

\_\_\_\_\_/

THE POLICE AND FIRE RETIREMENT  
SYSTEM OF THE CITY OF DETROIT,

Plaintiff,

vs.

Adv. Pro. No. 20-4042

INVESTMENT COMMITTEE OF THE  
POLICE AND FIRE RETIREMENT SYSTEM  
OF THE CITY OF DETROIT,

Defendant.  
\_\_\_\_\_/

**ORDER APPOINTING NEW MEDIATOR,  
AND MODIFYING CERTAIN CASE DEADLINES**

This adversary proceeding came before the Court on February 26, 2020 for a status conference, the purpose of which was to discuss mediation. Counsel for each of the parties, and counsel for the City of Detroit, appeared. Confirming action taken by the Court during the status conference, and for the reasons stated by the Court on the record during the status conference, the Court entered an order on February 26, 2020, referring this adversary proceeding to mediation and appointing Louis P. Rochkind as the mediator. (Docket # 19, the “First Mediation Order”). That Order also modified certain case deadlines. Then on March 10, 2020, the Court entered a stipulated order (Docket # 26, the “March 10 Order”), which extended the deadline to complete mediation to April 3, 2020, and which ordered that “the Police and Fire Retirement System of the City of Detroit will pay the mediator’s fees in the amount of \$375.00 per hour on behalf of both parties.”

Soon after the entry of the March 10 Order, the COVID-19 public health crisis erupted in Michigan, and especially in the Detroit area.



On March 31, 2020, the parties filed a document entitled “Joint Report on Mediation” (Docket # 27, the “Joint Report”). Based on the facts stated by the parties in the Joint Report, the Court finds that the appointed mediator, Mr. Rochkind, is presently unable to serve as the mediator.<sup>1</sup> Under the circumstances, the Court finds good cause to enter this Order, and to do so without any further hearing or status conference with the parties.<sup>2</sup>

IT IS ORDERED that the First Mediation Order (Docket # 19) and the March 10 Order (Docket # 26) are modified by the terms of this Order.

IT IS FURTHER ORDERED that:

1. The dispute in this adversary proceeding remains in the status of being referred to mediation under L.B.R. 7016-2.
2. Louis P. Rochkind is replaced as the mediator by Howard S. Sher; Howard S. Sher is appointed as the new mediator. Mr. Sher’s contact information is:

Howard S. Sher  
25800 Northwestern Highway  
Suite 500  
Southfield, MI 48075  
248-649-1900  
fax 248-649-2920  
howard@jacobweingarten.com

3. The current April 3, 2020 deadline to complete mediation is extended, such that mediation must be completed no later than May 1, 2020.
4. Unless the parties and the new mediator all agree otherwise in advance, in writing, the mediation must be conducted entirely by telephone and/or video conferencing, so that no in-person meetings will occur.
5. The deadline for Plaintiff to respond to Defendant’s counterclaim is extended to May 15, 2020.

---

<sup>1</sup> The Court understands Mr. Rochkind’s concerns, as described in the Joint Report, and greatly appreciates Mr. Rochkind’s willingness to serve as mediator in this and other cases.

<sup>2</sup> In their Joint Report, the parties requested that the Court “schedule a telephonic status conference to address the mediation process.” The Court finds it unnecessary to conduct another status conference at this time, to discuss mediation, and instead enters this Order.

6. The deadline for each party to serve initial disclosures under Fed. R. Civ. P. 26(a)(1) is extended to May 29, 2020.

7. Based on the agreement of the parties, expressed on the record by their attorneys during the February 26, 2020 status conference, in mediation sessions, the four individuals who are members of both the Plaintiff PFRS Board and the Defendant Investment Committee Board<sup>3</sup> may attend<sup>4</sup> any separate meeting sessions of the Plaintiff PFRS only, and may not attend any separate meeting sessions of the Defendant Investment Committee. Such individuals also may attend any joint meeting sessions the two parties have with the mediator.

The Court will send a copy of this Order to the new mediator.

The Court also will adjourn the initial scheduling conference that is currently scheduled for April 13, 2020, by separate notice.

**Signed on April 2, 2020**



/s/ **Thomas J. Tucker**

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

---

<sup>3</sup> These are the four individuals named in paragraphs 34 and 35 of the Plaintiff's Complaint (Docket # 1).

<sup>4</sup> As used in this Order, the word "attend" means attend remotely, by telephone or video conferencing, not in person.

United States Bankruptcy Court  
Eastern District of Michigan

The Police and Fire Retirement System of,  
Plaintiff

Adv. Proc. No. 20-04042-tjt

Investment Committee of the Police and F,  
Defendant

**CERTIFICATE OF NOTICE**

District/off: 0645-2

User: kmcgr  
Form ID: pdf03

Page 1 of 1  
Total Noticed: 10

Date Rcvd: Apr 02, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 04, 2020.

aty	+Bruce J. Lazar, Couzens, Lansky, 39395 W. Twelve Mile Road, Farmington Hill, MI 48331-2966
aty	+David A. Lawrence, Couzens, Lansky, 39395 W. Twelve Mile Road, Farmington Hill, MI 48331-2968
aty	+Jaimee Lauren Witten, 6th Floor at Ford Field, 1901 St. Antoine Street, Detroit, MI 48226-2336
aty	+Marc N. Swanson, Miller Canfield Paddock and Stone, P.L.C, 150 W. Jefferson, Suite 2500, Detroit, MI 48226-4415
aty	+Mark S. Frankel, 39395 W. 12 Mile, Suite 200, Farmington Hills, MI 48331-2968
aty	+Noel J. Ravenscroft, 6th Floor at Ford Field, 1901 St. Antoine Street, Detroit, MI 48226-2336
aty	+Ralph E. McDowell, 6th Floor at Ford Field, 1902 St. Antoine Street, Detroit, MI 48226-2333
aty	+Sarah Heisler Gidley, Couzens, Lansky, 39395 W. Twelve Mile Road, Farmington Hill, MI 48331-2966
md	+Howard S. Sher, Mediator, 25800 Northwestern Hwy., Suite 500, Southfield, MI 48075-8403
md	+Louis P. Rochkind, 411 South Old Woodward Avenue, Unite 710, Birmingham, MI 48009-6645

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 04, 2020

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2020 at the address(es) listed below:

Howard S. Sher	howard@jacobweingarten.com
Jaimee Lauren Witten	on behalf of Defendant Investment Committee of the Police and Fire Retirement System of the City of Detroit jwitten@bodmanlaw.com
Marc N. Swanson	on behalf of Interested Party City of Detroit, Michigan swansonm@millercanfield.com
Mark S. Frankel	on behalf of Plaintiff The Police and Fire Retirement System of the City of Detroit mfrankel@couzens.com
Noel J. Ravenscroft	on behalf of Defendant Investment Committee of the Police and Fire Retirement System of the City of Detroit NRavenscroft@bodmanlaw.com, ravenscroftn@ecf.courtdrive.com
Ralph E. McDowell	on behalf of Counter-Claimant Investment Committee of the Police and Fire Retirement System of the City of Detroit rmcdowell@bodmanlaw.com
Ralph E. McDowell	on behalf of Defendant Investment Committee of the Police and Fire Retirement System of the City of Detroit rmcdowell@bodmanlaw.com

TOTAL: 7