

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**CERTIFICATION OF NO RESPONSE OR OBJECTION REGARDING
MOTION OF MEIJER, INC. FOR RELIEF FROM THE AUTOMATIC STAY
AND FOR WAIVER OF PROVISIONS OF FED.R.BANKR.P. 4001 (a) (3)**

The Motion of Meijer, Inc. For Relief from the Automatic Stay and For Waiver of Provisions of Fed.R.Bankr.P. 4001 (a) (3), ("Motion"), was filed with this Court and served by Meijer, Inc. ("Meijer"), via the court's CM/ECF system and by First Class United States Mail, on September 6, 2013. *See* Exhibit A.

No response or objection to the Motion was filed with the Court. Meijer respectfully requests that the Court enter a final order in substantially the same form as the one which was attached to the Motion. *See* Exhibit B.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Timothy A. Fusco

Timothy A. Fusco (P13768)

150 West Jefferson, Suite 2500

Detroit, MI 48226

Phone: (313) 496-8435

Fax: (313) 496-8452

fusco@millercanfield.com

DATED: September 24, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 24, 2013, he caused the foregoing ***CERTIFICATION OF NO RESPONSE OR OBJECTION REGARDING MOTION OF MEIJER, INC. FOR RELIEF FROM THE AUTOMATIC STAY AND FOR WAIVER OF PROVISIONS OF FED.R.BANKR.P. 4001 (a) (3)***, to be filed with the court's CM/ECF System, which will send notice of the filing to all registered participants in this matter.

The undersigned further certifies that, on the same day, a copy of the above-referenced document was served via first class mail to the following:

Heather Lennox
Jones Day
222 East 41st Street
New York, NY 10017

Office of the U.S. Trustee
211 W. Fort Street
Detroit, MI 48226

Paula A. Hall
401 S. Old Woodward Ave.
Suite 400
Birmingham, MI 48009

By: /s/ Timothy A. Fusco

Timothy A. Fusco (P13768)
150 West Jefferson, Suite 2500
Detroit, MI 48226
(313) 963-6420
fusco@millercanfield.com

Dated: September 24, 2013

EXHIBIT A

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**NOTICE OF OPPORTUNITY TO RESPOND TO MOTION OF MEIJER, INC. FOR
RELIEF FROM THE AUTOMATIC STAY AND FOR WAIVER OF
PROVISIONS OF FED.R.BANKR. P. 4001(a)(3)**

Meijer, Inc. (“Meijer”) by its attorneys has filed papers with the court for an Order granting relief from the automatic stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney.

If you do not want the court to enter an order granting Meijer’s Motion for Relief from the Automatic Stay and for Waiver of Provisions of Fed.R.Bankr. P. 4001(A)(3), within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
226 West Second Street
Flint, Michigan 48502

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

You must also mail a copy to:

¹ Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

Timothy A. Fusco
Miller, Canfield, Paddock & Stone, PLC
150 W. Jefferson, Suite 2500
Detroit, Michigan 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of that hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: /s/ Timothy A. Fusco
Timothy A. Fusco (P13768)
150 West Jefferson, Suite 2500
Detroit, MI 48226
Phone: (313) 496-8435
Fax: (313) 496-8452
fusco@millercanfield.com

DATED: September 6, 2013

EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 6, 2013, he electronically filed the ***MOTION OF MEIJER, INC. FOR RELIEF FROM THE AUTOMATIC STAY AND FOR WAIVER OF PROVISIONS OF FED.R.BANKR. P. 4001(a)(3)*** (“Motion”) with the Clerk of the Court using the ECF system which will send notification of such filing to all registered participants in this matter. The undersigned further certifies that he caused a copy of the Motion to be served upon the following parties via First Class United States Mail:

Heather Lennox
Jones Day
222 East 41st Street
New York, NY 10017

Office of the U.S. Trustee
211 W. Fort Street
Detroit, MI 48226

Paula A. Hall
401 S. Old Woodward Ave.
Suite 400
Birmingham, MI 48009

By: /s/ Timothy A. Fusco
Timothy A. Fusco (P13768)
150 West Jefferson, Suite 2500
Detroit, MI 48226
Phone: (313) 496-8435
Fax: (313) 496-8452
fusco@millercanfield.com

DATED: September 6, 2013

EXHIBIT B

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN THE MATTER OF:

CITY OF DETROIT, MICHIGAN

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER GRANTING MOTION OF MEIJER, INC. FOR RELIEF FROM THE
AUTOMATIC STAY AND FOR WAIVER OF PROVISIONS
OF FED.R.BANKR.P. 4001 (a) (3)**

Upon consideration of the Motion of Meijer, Inc. For Relief From the Automatic Stay and for Waiver of the Provisions of Fed. R. Bankr. P. 4001 (a)(3) (the “Motion”), and the Court being duly advised in the premises;

IT IS ORDERED that:

1. The Motion is GRANTED.
2. Relief from that automatic stay is granted to permit Meijer, Inc. to name the Debtor as a party defendant in the action for vacation and modification of private use restrictions described in the Motion, provided, however, that that no relief may be sought against the City, absent further order of this Court, other than concurrence by the City in the modifications of the private use restrictions requested in the action.
3. This Court finds that Rule 4001 (a) (3) of the Federal Rules of Bankruptcy Procedure is waived and Meijer, Inc. may immediately commence the action for vacation and modification of private use restrictions described in the Motion.