

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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In re	:	Chapter 9
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CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
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**STIPULATION BY AND BETWEEN PETITIONERS ROBERT DAVIS  
AND DESMOND M. WHITE AND THE CITY OF DETROIT  
RESOLVING PETITIONERS’ EMERGENCY MOTION FOR  
CLARIFICATION OF THE COURT’S JULY 25, 2013 STAY ORDER  
AND RELIEF FROM STAY**

This stipulation regarding Petitioners Robert Davis’ and Desmond M. White’s Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Order and Relief From Stay (“Motion”) is entered into on this 11<sup>th</sup> day of October, 2013, by and between Robert Davis and Desmond White (“Plaintiffs”) and the City of Detroit, Michigan (“City”).

1. On July 18, 2013 (“Petition Date”), the City commenced this case under chapter 9 of title 11 of the United States Code (“Bankruptcy Code”).

2. On July 25, 2013, the Court entered its Order Pursuant to Section 105(a) of the Bankruptcy Code Confirming the Protections of Sections 362, 365 and 922 of the Bankruptcy Code [Dkt. #167] (“Stay Confirmation Order”).

3. Also on July 25, 2013, the Court entered its Order Pursuant to Section 105(a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B) Non Officer Employees and (C) Agents and Representatives of the Debtor [Dkt. #166] (“Stay Extension Order”).

4. After the Petition Date, on October 6, 2013, Plaintiffs filed their Emergency Complaint and Emergency Motion for Writ of Mandamus, Declaratory Judgment, and Injunctive Relief (“Emergency Complaint”), Case No. 13-013071-AW, in the 3<sup>rd</sup> Circuit Court for the County of Wayne, State of Michigan (“State Court Case”).

5. On October 8, 2013, Plaintiffs filed the Motion. In addition to requesting a clarification of the applicability of the Stay Extension Order to the State Court Case, the Plaintiffs also sought clarification that the Stay Extension Order would not apply to certain litigation related to the General Election to be held on November 5, 2013 (“Election-Related Lawsuits,” defined in the proposed order).

6. Plaintiffs agree not to pursue any claims, including without limitation, damages, penalties, costs and attorneys’ fees against the Detroit City Clerk, the Detroit Election Commission and its members and the City, either directly or indirectly.

7. Plaintiffs and the City agree that the automatic stay of 11 U.S.C. §§362 and 922(a) and the Stay Confirmation Order and Stay Extension Order do not apply to the State Court Case and any appeals. Collection actions against the Detroit City Clerk, the Detroit Election Commission and its members and the City, either directly or indirectly, are to be stayed.

8. The parties stipulate to modification of the stay so that Election-Related Lawsuits may proceed to their conclusion, including any appeals, but any acts to collect any amounts from the Detroit City Clerk, the Detroit Election Commission or the City for damages or penalties or other monetary sanctions, costs or attorneys' fees are to remain stayed.

9. The City acknowledges and agrees that it may need to spend funds to comply with orders issued in the State Court Case and the Election-Related Lawsuits, including, for example, the cost of reprinting any ballots and/or any other election materials for the November 5, 2013 General Election.

10. Plaintiffs and the City request that the Court enter the proposed Order submitted with this stipulation.

STIPULATED:

Dated: October 11, 2013

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## Proposed Order

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

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER (I) CLARIFYING THAT THE STAY DOES NOT APPLY TO THE WHITE AND DAVIS CASE AND (II) MODIFYING THE STAY WITH RESPECT TO CERTAIN ELECTION-RELATED LAWSUITS**

This matter came before the Court by Petitioners Robert Davis' and Desmond M. White's ("Plaintiffs") Emergency Motion for Clarification of the Court's July 25, 2013 Stay Order and Relief from Stay ("Motion") [Dkt. #1120]; the parties have reached an agreement to address the issues raised in the Motion as provided for in this Order; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED with respect to Plaintiffs' Emergency Complaint for Writ of Mandamus, Declaratory Judgment, and Injunctive Relief, Case No. 13-013071-AW, which is pending before Judge Fresard in the 3<sup>rd</sup> Circuit Court for the County of Wayne, State of Michigan ("State Court Case"), the stays under §§ 362 and 922 (a) and the Order Pursuant to Section 105 (a) of the Bankruptcy Code Extending the Chapter 9 Stay to Certain (A) State Entities, (B)

Non Officer Employees and (C) Agents and Representatives of the Debtors do not apply, and (i) the State Court Case may proceed to its conclusion, including any appeals, (ii) the implementation of any ultimate ruling may proceed, so long as the Detroit City Clerk, the Detroit Election Commission and its members and the City are not subject to any damages or penalties or other monetary sanctions, costs or attorneys' fees. Plaintiffs may not seek to recover any amounts from the Detroit City Clerk, the Detroit Election Commission or the City for damages or penalties or other monetary sanctions, costs or attorneys' fees. The City will correct any election irregularities if so ordered in the State Court Case, even if it means having to spend funds;

IT IS FURTHER ORDERED, with respect to lawsuits (i) related solely to the November 5, 2013 general election ("General Election") and not to other unrelated matters (ii) that are filed on or before the date of the General Election, and (iii) are filed in compliance with the procedures promulgated by the Michigan Supreme Court and the 3<sup>rd</sup> Circuit Court ("Election-Related Lawsuits"), the City agrees to a modification of the stay to permit (a) the Election-Related Lawsuits to proceed in their ordinary course including any appeals, (b) the Circuit Court (or other court having jurisdiction over the matter) to rule on the Election-Related Lawsuits and (c) the implementation of any ruling, so long as the Detroit City Clerk, the Detroit Election Commission and its members and the City are not

subject to the collection of damages or penalties or other monetary sanctions, costs

or attorneys' fees. The City will correct any election irregularities if so ordered in an Election-Related Lawsuit, even if it means having to spend funds;

IT IS FURTHER ORDERED, that collection actions arising from the State Court Case or Election-Related Lawsuits against the Detroit City Clerk, the Detroit Election Commission and its members and the City may be liquidated, but shall remain stayed;

IT IS FURTHER ORDERED, that no other relief is granted.