

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

**REPLY OF 36th DISTRICT COURT TO LOCAL 3308 AND LOCAL
917 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES' OBJECTION TO MOTION OF DEBTOR FOR
ENTRY OF AN ORDER EXTENDING THE CHAPTER 9 STAY TO THE
36th DISTRICT COURT AND CERTAIN RELATED ENTITIES**

The 36th District Court, by and through its undersigned attorneys, hereby files this reply (the "Reply") to the *Local 3308 and Local 917 of the American Federation of State, County and Municipal Employees' Objection to Motion of Debtor for Entry of an Order Extending the Chapter 9 Stay to the 36th District Court and Certain Related Parties* and brief in support thereof [Dkt. No. 1125 – 1126] (the collectively, the "Objection") and states as follows:

SUMMARY OF ARGUMENT

1. In its Objection, AFSCME contends that the City has failed to satisfy its burden in seeking an extension of the automatic stay to the 36th District Court Parties. However, as set forth in greater detail below, it is clear that the funding relationship between the City and the 36th District Court presents "unusual circumstances" that require an extension of the automatic stay to the 36th District Court Parties.¹

¹ AFSCME also argues that the relief requested in the Motion cannot be granted because the City did not commence an adversary proceeding. This Court has previously considered a similar argument and determined that an adversary proceeding is unnecessary because it would result in a "procedural and administrative nightmare." (Tr. of Hrg. on Mot. to Extend Stay to State Entities at p. 83:1-14.)

2. Alternatively, to the extent that this Court applies the elements required for a preliminary injunction to the relief requested in the Motion, the City has nonetheless provided justification for the extension of the automatic stay. Since the Petition Date, the City has expeditiously undertaken actions that will permit it to propose a successful plan of adjustment, leading to the conclusion that any proposed plan has a likelihood of success on the merits. In addition, because the 36th District Court operates for the benefit of the City and its residents, any interference in funding such operations will result in irreparable harm to the City, its residents and its creditors. Moreover, because the 36th District Court has no objection to the liquidation (but not collection) of monetary claims against the 36th District Court in the state courts, federal courts and arbitrational proceedings in which they are currently pending, AFSCME and its constituency will suffer little if any prejudice. Finally, the public interest is clearly implicated, and will be directly impacted, in the event that the 36th District Court is denied funds to continue its operations, conduct arraignments, and adjudicate disputes for the benefit of the City and its residents.

BACKGROUND

3. The Michigan Supreme Court oversees administration of courts in Michigan and promulgates rules, administrative orders and a code of judicial conduct that affects all of the members of the judiciary within the State. MCL §§ 600.152, 600.219.

4. The State of Michigan is divided into judicial districts of the district court, each of which is an administrative unit subject to the superintending control of the Michigan Supreme Court. MCL § 600.8101. A district of the third class is a district consisting of one or more political subdivisions within a county and in which each political subdivision comprising the district is responsible for maintaining, financing and operating the district within its respective

political subdivision. MCL § 600.8103(3); *see also* MCL § 600.8271(1) (requiring appropriation and budgeting of funds by funding unit for benefit of district court).

5. The thirty-sixth district is a district of the third class consisting solely of the City of Detroit, Michigan (the “City”). MCL § 600.8121a(1). The City, therefore, is responsible for maintaining, financing and operating the 36th District Court. *Id.*; MCL § 600.8103(3).

6. The 36th District Court does not receive advance funding from the City on an annual or other temporal basis. (Green Aff. at ¶4.)² Instead, the City provides funding to the 36th District Court on an ongoing basis according to the needs and requirements of the 36th District Court. *Id.* The primary exceptions to this funding scheme are the payment of salaries to the employees of the 36th District Court, which are paid directly by the City, and the payment of salaries to the judges of the 36th District Court, which are paid by the State of Michigan. *Id.*; MCL § 8202.

7. Prior to the Petition Date (as defined below), the 36th District Court was the subject of several pending civil actions and arbitrations. The majority of these actions were based on tort claims alleged by various employees and former employees against the 36th District Court and its representatives. In addition, the 36th District Court was a named defendant in certain civil actions alleging breach of contract, or was the subject of demands made for money damages by third parties. When monetary judgments or other awards are entered against the 36th District Court, the City is responsible for satisfying, and has historically and consistently satisfied, the claims of judgment creditors. (*See* Green Aff. at ¶¶ 5-6.)

8. In connection with its operations and administrative functions, the 36th District Court collects fines, revenues and other charges (collectively, the “Revenues”). (Green Aff. at ¶

² The Declaration of Deborah Green in support of this Reply (the “Green Affidavit”) is attached hereto as Exhibit A.

7.) Upon receipt by the 36th District Court, Revenues are deposited into a bank account maintained by the 36th District Court. *Id.* Thereafter, the 36th District Court disburses the funds to the City in accordance with applicable law. *Id.* The City does not segregate these Revenues for the funding operations of the 36th District Court. Rather, the Revenues are absorbed by the City, and thereafter funds are separately transferred to the 36th District Court in accordance with MCL § 600.8103. On an annual basis, the 36th District Court provides Revenues to the City in the approximate amount of \$14.5 million.³ (Green Aff. at ¶ 7.)

9. As but one example of the claims asserted against the City, on August 14, 2013, less than one month after the Petition Date, an arbitrator entered an Award and Decision in a grievance between the 36th District Court and Michigan AFSCME Council 25 and Local 917 in the amount of \$5,528,156.06 (the “AFSCME Arbitration”).⁴ (Green Aff. at ¶ 5.) To date, a final judgment has not been rendered against the 36th District Court, but the proceedings have continued after the Petition Date. *Id.*

10. In addition, judgment creditors and other parties holding awards against the 36th District Court have previously attempted to garnish accounts of the 36th District Court maintained by the City or financial institutions and administrators of payroll. (Green Aff. at ¶ 6.) Ultimately, the City was required to provide the funds necessary to satisfy these judgments and other awards. (Green Aff. at ¶ 6.)

11. On July 18, 2013 (the “Petition Date”), the City filed a petition for relief under Chapter 9 of the Bankruptcy Code in this Court.

³ As set forth in the Green Affidavit, in some instances a district court has generated sufficient revenues in order to satisfy the funding requirements of a funding unit. (Green Aff. at ¶ 7.) The 36th District Court, however, has not historically generated sufficient revenues to create a surplus.

⁴ The City has referred to various other claimants who seek to obtain judgments and awards from the 36th District Court in its Motion. (Mot. at ¶ 9.)

12. On September 25, 2013, the City filed its *Motion of Debtor, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to the 36th District Court and Certain Related Parties* [Dkt. No. 1027] (the “Motion”), which seeks to extend the automatic stay provisions for the benefit of the 36th District Court, its officers, employees, agents and representatives (collectively, the “36th District Court Parties”).

13. Thereafter, the Local 3308 and Local 917 of the American Federation of State, County and Municipal Employees (“AFSCME”) filed its Objection. This Court has scheduled a hearing on the Motion for October 18, 2013.

REPLY

I. Unusual Circumstances Support Extension of the Automatic Stay

14. When considering whether to extend the automatic stay to third parties, courts have employed an “unusual circumstances” test which examines whether the debtor and non-debtor party are inextricably intertwined. *See, e.g., Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 314-15 (6th Cir. 2000); *Cappuccilli v. Lewis*, 2010 WL 4683932, at *6 (E.D. Mich. Nov. 10, 2010).

15. In the instant case, unusual circumstances justify extension of the automatic stay to the 36th District Court Parties because it shares an identity of interests with the City. It is difficult to comprehend circumstances more unusual than the funding scheme for district courts that the Michigan legislature has enacted. The 36th District Court receives all of its funding for operations, administration and other obligations directly from the City pursuant to state statute. In the event that the funds provided by the City are subject to garnishment, execution, levy, or some similar collection remedy, the City and its residents will be obligated to provide duplicative funds to the 36th District Court to cover its operational expenses and obligations. In effect,

judgment creditors would be satisfying their claims to the detriment of other creditors holding claims against the City. More importantly, and as discussed *supra* at pp. 8-10, in the event that funds are obtained by judgment creditors and other persons holding claims against the 36th District Court, the City and its residents will ultimately suffer. In its Objection, AFSCME suggests that the City is not subject to any harm because “it can refuse to provide any additional funds or any funds at all to the 36th District Court.” (Obj. at p. 9.) Such a suggestion is difficult to understand in light of the fact that the City, its residents, and presumably even members of AFSCME would be without the essential services that the 36th District Court Parties provide in the absence of funds from the City.

16. Because the 36th District Court and the City share an identity of interests and are financially intertwined, unusual circumstances exist which support extension of the automatic stay to the 36th District Court Parties.

II. A Balancing of the Factors for a Preliminary Injunction Weighs in Favor of Stay Extension

17. In the event that this Court determines it is appropriate to balance the factors for a preliminary injunction, the City has nonetheless satisfied its burden. Section 105(a) of the Bankruptcy Code provides that a bankruptcy court may “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the Bankruptcy Code.” 11 U.S.C. § 105(a). When a bankruptcy court issues a preliminary injunction, including an extension of the automatic stay to third parties, the court must consider the following traditional factors governing preliminary injunctions: (i) the likelihood of the plaintiff’s success on the merits, (ii) whether the plaintiff will suffer irreparable injury without the injunction, (iii) the harm to others which will occur if the injunction is granted, and (iv) whether the injunction would serve the public interest. *American Imaging Servs., Inc. v. Eagle-Picher Indus., Inc. (In re Eagle-Picher Indus., Inc.)*, 963

F.2d 855, 858 (6th Cir. 1992); (considering request to extend stay under unusual circumstances standard).⁵

18. The Sixth Circuit Court of Appeals has held that a court may utilize its equitable powers under section 105(a) of the Bankruptcy Code to extend the automatic stay to non-debtor parties when “unusual circumstances” exist. *In re Eagle-Picher*, 963 F.2d at 861. Unusual circumstances exist, for instance, where there is an identity between the debtor and the third party such that “the debtor may be said to be the real party defendant and that a judgment against the third party defendant will in effect be a judgment or finding against the debtor.” *Id.* (quoting *A.H. Robins, Inc. v. Piccinin*, 788 F.2d 994, 999 (4th Cir. 1986)).

19. In its Objection, AFSCME argues that it would be inappropriate to extend the automatic stay for the benefit of the 36th District Court Parties because the City has failed to establish a need for injunctive relief. Upon review of the pertinent facts and the balancing of factors to be considered in connection with injunctive relief however, the City has clearly satisfied its burden.

A. *The Likelihood of the City’s Success on the Merits*

20. When considering whether a debtor is likely to succeed on the merits for purposes of extending the automatic stay, courts examine the likelihood of a successful reorganization. *See id.* at 860. However, it is not imperative that a debtor demonstrate a likelihood of a successful plan of reorganization in order to satisfy the standard for issuance of a preliminary injunction. *Id.* (citations omitted).

21. The City sought relief under Chapter 9 only three months ago and has since attempted to diligently address various issues identified by this Court and other parties to ensure

⁵ Importantly, the four factors to be considered in connection with a preliminary injunction must be balanced, and are not prerequisites that all must be satisfied. *Id.* at 859 (citation omitted).

that it expeditiously advances a plan of adjustment. For example, the City (as well as other parties in this case) has briefed and conducted discovery with respect to its eligibility under section 109(c) of the Bankruptcy Code while, at the same time, attempting to analyze difficult economic issues that must be addressed in any plan of adjustment. Moreover, the City is subject to a deadline of March 2014 by which to propose a plan to its creditors and other parties in interest, and has recently proposed procedures related to proofs of claim. In essence, the City has been engaged in a two track approach – defending its eligibility while simultaneously undertaking the steps necessary to propose a plan of adjustment in a timely manner.

22. To date, there is no indication that the City will not be in a position to at least propose a plan of adjustment in a relatively short time frame given that it sought relief under Chapter 9 a few months ago. *See id.* at 860 (noting that bankruptcy court was familiar with debtor's progress in reorganization plan and that this factor relaxed in bankruptcy). In fact, AFSCME provides no evidence to the contrary in its Objection.

23. Because the City is in the process of developing and ultimately proposing plan of adjustment, the City has a likelihood of success on the merits.

B. The Harm to the City if the Injunction Is Not Granted

24. In determining whether the second factor is satisfied, the Sixth Circuit has stated that a bankruptcy court should consider whether resources of the debtor's estate, both monetary and non-monetary, would be diminished if the injunction were not issued. *Id.* at 860-61.

25. In the instant case, it is difficult to imagine a situation where the City, its residents and its inhabitants would not be harmed in the event that the stay is not extended. As noted above, the City is required to fund all maintenance, operations and other obligations of the 36th District Court pursuant to applicable Michigan law. Other than judicial salaries, the 36th District

Court does not receive any funds from the State of Michigan. Instead, the 36th District Court is solely dependant upon the City in order to satisfy its obligations. (Green Aff. at ¶¶ 3-7.) In the event that the stay is not extended, creditors of the 36th District Court Parties could seek to satisfy judgments and awards directly against the assets of the 36th District Court and indirectly against the City. As noted in the Green Affidavit, judgment creditors have previously attempted to garnish accounts maintained for the benefit of the 36th District Court. Upon any garnishment, execution or levy, the City would be forced to redeploy funds to the 36th District Court so that it could sustain its operations. The City would therefore be preferring judgment creditors of the 36th District Court to the detriment of the City and its other creditors.

26. Perhaps more importantly, in the event that the stay is not extended to the 36th District Court Parties, the City and its residents would suffer great harm. Again, because the 36th District Court is dependent upon the City for all of its funding needs, the 36th District Court would suffer a disruption in operations and receipt of services by third parties as a result of any collection activities by judgment creditors. If judgment creditors succeed in garnishing the 36th District Court's accounts, the 36th District Court would be without sufficient funds to satisfy its obligations arising after the Petition Date unless the City provided it with additional funds. (Green Aff. at ¶ 8.)

27. For example, a depletion in or lack of funds could result in a disruption of the 36th District Court's ability to pay its trade vendors, such as the provider of video conferencing. Absent video conferencing capabilities, the 36th District Court could not conduct arraignments, thus creating not only a backlog at the City's jails, but also denying timely due process to those charged with crimes and violations. As yet another example, absent sufficient funds from the City, the 36th District Court would be deprived of its ability to satisfy obligations to court

reporters, thereby resulting in a cessation of hearings for lack of a record. As yet another example, albeit an extreme example, any impairment 36th District Court's funds could result in the court's inability to provide payment for vital benefits, such as health insurance, to its employees. Similar to a corporate reorganization, the loss of employee benefits could have a catastrophic result to the operations of the 36th District Court.

28. Finally, as noted above, the 36th District Court generates Revenue that it is required by applicable state law to turnover to the City. If the stay is not extended, a judgment creditor may seek to deprive the City of such Revenue by arguing to another court that the Revenue is not "property of the debtor." Although any seizure of the Revenue or similar act would violate the automatic stay under sections 362 and 922 of the Bankruptcy Code, the City would be forced to seek emergency relief from this Court in order to prevent, or perhaps reverse, authorization of another court with respect to the Revenue.⁶

29. Because the 36th District Court relies exclusively on the City for its funding, the City as well as its residents and creditors would suffer extreme prejudice in the event that the stay is not extended to the 36th District Court Parties.

⁶ AFSCME also contends that the State of Michigan is required to fund the 36th District Court in the absence of funds from the City. In support of this contention, AFSCME cites several cases. *See, e.g., Grand Traverse County v. State of Mich.*, 450 Mich. 457, 538 N.W. 2d 1 (1995) (Michigan Constitution does not require state to fund trial court's operations); *46th Cir. Trial Court v. County of Crawford*, 476 Mich. 131, 719 N.W. 2d 553 (2006) (trial court sought to compel funding from funding units, not state, in exercise of inherent power); *Employees and Judge of the Second Judicial District Court v. County of Hillsdale*, 423 Mich. 705, 378 N.W.2d 744 (1985) (same). Upon review, none of these cases stand for the proposition that the State of Michigan is responsible for funding the trial courts. The 36th District Court is perplexed as to why AFSCME believes *Grand Traverse* holds otherwise.

Additionally, on page 11 of its Objection, AFSCME cites to a recent Sixth Circuit decision for the proposition that sovereign immunity is granted to district courts in Michigan. *See Pucci v. Nineteenth District Court*, 628 F.3d 752 (6th Cir. 2010). In *Pucci*, the Sixth Circuit did consider, again albeit in the context of sovereign immunity, potential liability to the State of Michigan. *Id.* at 760-63; *see Dolan v. City of Ann Arbor*, 666 F.Supp. 2d 754 (E.D. Mich. 2009) (same). Confronted with a similar issue, the Michigan Supreme Court held that the State of Michigan had no potential liability for judgments against a district court. *Cameron v. Monroe County Probate Court*, 457 Mich. 423, 579 N.W.2d 859 (1998); *but see Barachkov v. 41B District Court*, 311 Fed. Appx. 863 (6th Cir. 2009) (questioning whether *Cameron* actually established state not potentially liable and finding to contrary). The aforementioned cases are distinguishable from the relief requested in the City's Motion, as they involved the question of sovereign immunity, not a balancing of factors for an injunction.

C. AFSCME Will Suffer Little, If Any, Harm

30. The third factor to be balanced in connection with a request to extend the automatic stay requires that the court consider the harm to other parties. By its Motion, the City is simply seeking a stay of Legal Proceeding and other claims so as to protect against interruption of the operations of the 36th District Court. The City has not sought to otherwise impair holders of claims against the 36th District Court. The 36th District Court anticipates that certain creditors may obtain relief from the automatic stay *in appropriate circumstances*. As such, AFSCME and its members will suffer no prejudice other than having to await satisfaction of their claim pursuant to the terms of a confirmed plan of adjustment.

D. The Public Interest Favors the City

31. The final factor examines the public interest as a whole. In the instant case and the context of the City's Motion, it is difficult to imagine a public interest more important than sustaining the operations of the 36th District Court. For the reasons identified above, the public interest, through a direct impact on the City and its residents, would be compromised in the event that the stay is not extended to the 36th District Court Parties.

CONCLUSION

32. Based upon a review of all factors and the "unusual circumstances" presented by the City's obligation to fund the operations, maintenance and other obligations of the 36th District Court, it is appropriate for this Court to extend the automatic stay to the 36th District Court Parties pursuant to section 105(a) of the Bankruptcy Code.

WHEREFORE, the 36th District Court respectfully requests that this Court enter an order (i) extending the automatic stay to the 36th District Court Parties, and (ii) granting such other relief as is just and equitable.

Dated: October 15, 2013

Respectfully submitted,

36th DISTRICT COURT

By: /s/ John T. Gregg
John T. Gregg (P68464)
BARNES & THORNBURG LLP
171 Monroe Avenue, NW, Suite 1000
Grand Rapids, MI 49503
Telephone: (616) 742-3930
Email: jgregg@btlaw.com

Attorneys for 36th District Court

EXHIBIT A

(Declaration of Deborah Green)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

_____)	Chapter 9
In re:)	
)	
CITY OF DETROIT, MICHIGAN,)	Case No. 13-53846
)	
Debtor.)	Hon. Steven W. Rhodes

DECLARATION OF DEBORAH GREEN

In accordance with 28 U.S.C. § 1746, Deborah Green declares the following:

1. I am employed as the Region I Director by the State Court Administrative Office (SCAO), which is appointed by the Michigan Supreme Court pursuant to Article VI, Section 3, of the Michigan Constitution of 1963. As Region I Director, I report to State Court Administrator Chad C. Schmucker.

2. As Region I Director, I am responsible to administratively assist all trial courts in Macomb, Oakland, and Wayne counties. As of the appointment of the Honorable Michael Talbot as Special Judicial Administrator of the 36th District Court, I have been assigned, virtually full-time, to assist Judge Talbot with the restructuring of the operations of the 36th District Court. As a result of my overall responsibilities, I am familiar with the manner in which Michigan trial courts, including district courts and the 36th District Court, are funded.

3. District courts are established by the Michigan legislature, which then also defines their jurisdiction and designates the "funding unit" of the court. The 36th District Court is a "class III" district court, meaning that its jurisdiction is defined by the boundary of the City of Detroit. The Michigan legislature, in creating the 36th District Court has designated the City of

Detroit ("City") as its funding unit, meaning that it has legislatively mandated that the City must pay the operational costs of the 36th District Court, with the exception of judicial salaries.

4. The 36th District Court is not "prefunded" by the City. Instead, its expenses are paid, on an ongoing basis, as bills are forwarded by the 36th District Court to the City for payment. Personnel costs are paid directly by the City.

5. I am aware of a significant arbitration award recently entered against the 36th District Court, amounting to approximately \$5.5 million, which the 36th District Court does not have the funds to pay. Once this claim has been fully liquidated – meaning that a final judgment is entered against the Court – this obligation will then have to be forwarded to the City of Detroit for payment. At that point, the City of Detroit will be required to pay the judgment as a result of its constitutional obligation to fund the 36th District Court's reasonable and necessary expenses. This arrangement is consistent with the procedure by which all Michigan trial courts have judgments against them satisfied – a court's funding unit must pay judgments against that court.

6. While the 36th District Court has no funds from which to pay judgments, if a judgment creditor were to execute against the Court by seizing computers, communication systems, and furniture, the Court's operations would be severely disrupted, if not shut down completely. I am informed and believe that in early 2009 one judgment creditor in *Sciotti v. 36th District Court*, Wayne County Circuit Court case number 03-327602-CD, attempted execution against the Court through garnishments and show-cause orders. See attached. The City eventually paid the judgment.

7. As fines and other charges are collected by the Court, they are deposited in a bank account, from where they are disbursed according to statutory mandate, including primarily to the City. The City annually receives approximately \$14.5 million from the Court. While this

revenue does not completely offset the Court's operating budget, collection efforts are now being improved as a result of Judge Talbot's ongoing restructuring efforts. In some instances, district courts generate so much revenue that the funding unit actually experiences a profit from its court's operations.

8. A shutdown of the Court's operations, whether as a result of a judgment creditor's actions or the City's failure to promptly pay the Court's expenses, would deprive the City's residents and others of the services of the Court, and would also interrupt the Court's revenue generation on behalf of the City through collection of fines and other charges.

9. I know the facts stated herein to be true of my own knowledge, except those stated on information and belief, and those I believe to be true. I am prepared and competent to testify concerning the foregoing if requested to do so by the Court.



Deborah Green

188469

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	REQUEST FOR HEARING ON A MOTION (PRAECIPE) ORDER / JUDGMENT	CASE NO. 03-327602 NZ
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2 Woodward Avenue, Detroit, Michigan

Plaintiff name(s) Kenneth Sciotti
Plaintiff attorney, bar no., address, and telephone no. Scott E. Combs (P37554) 27780 Novi Road Novi, Michigan 48377 (248) 380-5050

V

Defendant name(s) 36th District Court
Defendant's attorney, bar no., address, and telephone no. Constance J. Allen (P30752) Judicial Assistant, 36th District Ct. 421 Madison Suite 4109 Detroit, Michigan 48226 (313) 965-3082

List additional attorneys on other side

- Motion Title: Defendant's Motion To Quash Writs of Execution Enjoin Further Actions And For Costs And Sanctions
- Moving Party: Defendant Telephone No. (313) 965-3082
- Please place on the motion calendar for: Friday, January 30, 2009

Judge Robert L. Ziolkowski	Bar No. P22745	Date January 30, 2009	Time 9:00 a.m.
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Adj. to: _____ Adj. to: _____ Adj. to: _____

4. I certify that I have made personal contact with Scott Combs on 1/16/09 regarding concurrence in relief sought in this motion and that concurrence has been denied or that I have made reasonable and diligent attempts to contact counsel regarding concurrence with motion.

Date 1/16/09 Attorney Constance J. Allen Bar No. P-30752

DATED: 1/16/09

ORDER / JUDGMENT

IT IS ORDERED THAT THIS MOTION IS:

- ☐ DENIED ☐ GRANTED IN PART / DENIED IN PART ☐ TAKEN UNDER ADVISEMENT ☐ DISMISSED
- ☐ GRANTED AND IT IS FURTHER ORDERED AND ADJUDGED:

CIRCUIT JUDGE

Approved as to form and substance by Counsel for:

Plaintiff _____

Defendant _____

Date _____

FILE EITHER IN PERSON OR BY MAIL WITH:
CATHY MARIE GARRETT
WAYNE COUNTY CLERK
201 CITY-COUNTY BUILDING
DETROIT, MI 48226

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

Case No: 03-327602 NZ
Hon. Robert L. Ziolkowski

v

36TH DISTRICT COURT,

Defendant.

CONSTANCE J. ALLEN (P30752)

Attorney for Defendant

36th District Court

421 Madison, Suite 4109

Detroit, Michigan 48226

(313) 965-3082

SCOTT E. COMBS (P37554)

Attorney for Plaintiff

27780 Novi Road, Suite 105

Novi, Michigan 48377

(248) 380-5050

NOTICE OF HEARING

TO: SCOTT E. COMBS (P37554)
27780 NOVI ROAD, SUITE 105
NOVI, MICHIGAN 48377

ADP
16901 MICHIGAN AVENUE
DEARBORN, MICHIGAN 48126

CITY OF DETROIT FINANCE DEPART
CAYMC
TWO WOODWARD AVENUE, STE. 1200
DETROIT, MICHIGAN 48226

COMERICA BANK
201 W. FORT STREET
DETROIT, MICHIGAN 48226

Please take Notice that Objection to Writs will be heard on Friday, January 30, 2009, at 9:00 a.m. before the Honorable Robert Ziolkowski, Room 1611, Coleman A. Young Municipal Center, 2 Woodward Avenue, Detroit, Michigan.

January 16, 2009



CONSTANCE, J. ALLEN (P30752)

Judicial Assistant

36th District Court

421 Madison, Suite 4109

Detroit, Michigan 48226

(313) 965-3082

Approved. SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Defendant
3rd copy - Garnishee

STATE OF MICHIGAN
JUDICIAL DISTRICT
Third JUDICIAL CIRCUIT

OBJECTIONS TO GARNISHMENT
AND NOTICE OF HEARING

CASE NO.
03-327602-CD

Court address

Court telephone no.

Plaintiff's name, address, and telephone no. (judgment creditor)

Kenneth Sciotti

Plaintiff's attorney, bar no., address, and telephone no.

Scott E. Combs (P37554)
27780 Novi Road, Suite 105
Novi, MI 48377
(248) 380-5050

Defendant's name, address, and telephone no. (judgment debtor)

36th District Court
421 Madison Ave, Ste. 4109
Detroit, MI 48226
Attorney for Defendant: Constance J. Allen (P30752)

v

Garnishee's name and address

ADP
16901 Michigan Avenue
Dearborn, MI 48126

OBJECTIONS TO GARNISHMENT

I object to the garnishment issued on 01/12/2009 and request a hearing on this objection because
Date

- ☒ a. the funds or property are exempt from garnishment by law.
☐ b. garnishment is precluded by the pendency of bankruptcy proceedings.
☐ c. garnishment is barred by an installment payment order.
☐ d. garnishment is precluded because the maximum amount permitted by law is being withheld under a higher priority order.
☐ e. the judgment has been paid.
☒ f. the garnishment was not properly issued or is otherwise invalid for the following reason(s):
Upon information and belief, the amount of the garnishment demanded is inaccurate.

I was served with a copy of the writ on

Date

N/A DEFENDANT WAS NOT PROPERLY SERVED.

Date

Signature of defendant

NOTICE OF HEARING ON OBJECTIONS

- On _____ the defendant filed objections to the writ of garnishment dated _____
Date
- A hearing is scheduled on _____ at _____ at _____
Date Time Location
_____ before Hon. _____
- The defendant and plaintiff are required to appear.
- The garnishee ☒ is ☐ is not required to appear.
- ☐ a. Objections were filed within 14 days of the defendant being served with the writ. The garnishee shall continue to withhold funds but shall not release withheld funds until further order of the court.
☐ b. Objections were filed 14 days or more after the defendant was served with the writ. The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

Date

Deputy court clerk

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Approved, SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Defendant
3rd copy - Garnishee

STATE OF MICHIGAN
JUDICIAL DISTRICT
Third JUDICIAL CIRCUIT

OBJECTIONS TO GARNISHMENT
AND NOTICE OF HEARING

CASE NO.
03-327602-CD

Court address

Court telephone no.

Plaintiff's name, address, and telephone no. (judgment creditor)

Kenneth Sciotti

Plaintiff's attorney, bar no., address, and telephone no.

Scott E. Combs (P37554)
27780 Novi Road, Suite 105
Novi, MI 48377
(248) 380-5050

Defendant's name, address, and telephone no. (judgment debtor)

36th District Court
421 Madison Ave, Ste. 4109
Detroit, MI 48226
Attorney for Defendant: Constance J. Allen (P30752)

v

Garnishee's name and address

Comerica Bank
201 W. Fort Street
Detroit, MI 48226-3215

OBJECTIONS TO GARNISHMENT

I object to the garnishment issued on 01/12/2009 and request a hearing on this objection because
Date

- ☒ a. the funds or property are exempt from garnishment by law.
☐ b. garnishment is precluded by the pendency of bankruptcy proceedings.
☐ c. garnishment is barred by an installment payment order.
☐ d. garnishment is precluded because the maximum amount permitted by law is being withheld under a higher priority order.
☐ e. the judgment has been paid.
☒ f. the garnishment was not properly issued or is otherwise invalid for the following reason(s):
Upon information and belief, the amount of the garnishment demanded is inaccurate.

I was served with a copy of the writ on 1-15-2009 N/A DEFENDANT WAS NOT PROPERLY SERVED.
Date

Signature of defendant

NOTICE OF HEARING ON OBJECTIONS

1. On _____ the defendant filed objections to the writ of garnishment dated _____.
Date
2. A hearing is scheduled on _____ at _____ at _____
Date Time Location
- _____ before Hon. _____
3. The defendant and plaintiff are required to appear.
4. The garnishee ☐ is ☐ is not required to appear.
5. ☐ a. Objections were filed within 14 days of the defendant being served with the writ. The garnishee shall continue to withhold funds but shall not release withheld funds until further order of the court.
☐ b. Objections were filed 14 days or more after the defendant was served with the writ. The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

Date

Deputy court clerk

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Approved, SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Defendant
3rd copy - Garnishee

STATE OF MICHIGAN
JUDICIAL DISTRICT
Third JUDICIAL CIRCUIT

OBJECTIONS TO GARNISHMENT
AND NOTICE OF HEARING

CASE NO.
03-327602-CD

Court address

Court telephone no.

Plaintiff's name, address, and telephone no. (judgment creditor)

Kenneth Sciotti

Plaintiff's attorney, bar no., address, and telephone no.

Scott E. Combs (P37554)
27780 Novi Road, Suit 105
Novi, MI 48377
(248) 380-5050

Defendant's name, address, and telephone no. (judgment debtor)

36th District Court
421 Madison Ave, Ste. 4109
Detroit, MI 48226
Attorney for Defendant: Constance J. Allen (P30752)

v

Garnishee's name and address

City of Detroit Finance Department
CAYMC
Two Woodward Ave, Ste. 1200
Detroit, MI 48226

OBJECTIONS TO GARNISHMENT

I object to the garnishment issued on 01/12/2009 and request a hearing on this objection because
Date

- ☒ a. the funds or property are exempt from garnishment by law.
☐ b. garnishment is precluded by the pendency of bankruptcy proceedings.
☐ c. garnishment is barred by an installment payment order.
☐ d. garnishment is precluded because the maximum amount permitted by law is being withheld under a higher priority order.
☐ e. the judgment has been paid.
☒ f. the garnishment was not properly issued or is otherwise invalid for the following reason(s):
Upon information and belief, the amount demanded in the garnishment is not accurate.

I was served with a copy of the writ on 1/15/2009 N/A DEFENDANT WAS NOT PROPERLY SERVED.
Date

Signature of defendant

NOTICE OF HEARING ON OBJECTIONS

1. On _____ the defendant filed objections to the writ of garnishment dated _____.
Date
2. A hearing is scheduled on _____ at _____ at _____
Date Time Location
- _____ before Hon. _____.
3. The defendant and plaintiff are required to appear.
4. The garnishee ☒ is ☐ is not required to appear.
5. ☐ a. Objections were filed within 14 days of the defendant being served with the writ. The garnishee shall continue to withhold funds but shall not release withheld funds until further order of the court.
☐ b. Objections were filed 14 days or more after the defendant was served with the writ. The garnishee shall continue to withhold and release funds unless otherwise ordered by the court.

Date

Deputy court clerk

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this objection and notice on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Approved, SCAO

• **STATE OF MICHIGAN**
JUDICIAL DISTRICT
3rd **JUDICIAL CIRCUIT**

REQUEST AND WRIT FOR GARNISHMENT
(NONPERIODIC)

• **CASE NO.**

03-327602-CD

Court address

• Zip code

Court telephone no.

2 Woodward Avenue, Detroit MI 48226

Plaintiff name and address (judgment creditor)

KENNETH SCIOTTI

Plaintiff's attorney, bar no., and address

• SCOTT E COMBS P37554
• 27780 Novi Road, Suite 105
• Novi MI 48377

Telephone no.

248-380-5050

Defendant name and address (judgment debtor)

• 36TH DISTRICT COURT
Constance Allen Esq
421 Madison St #4109
Detroit MI 48226 (313) 965-3082

• Social security no.

Account no.

36th District Court

Garnishee name and address

ADP
16901 Michigan Ave
Dearborn MI 48126

REQUEST See instructions for item 2 on other side

1. Plaintiff received judgment against defendant for \$ 575,214.27 on 8/09/05 and 12/13/05.
 2. The total amount of judgment interest accrued to date is 187,710.00. The total amount of postjudgment costs accrued to date is 0.00. The total amount of postjudgment payments and credits made to date is 0.00. The amount of the unsatisfied judgment now due (including interest and costs) is • \$ 762,924.27.
 3. Plaintiff knows or with good reason believes that the garnishee is indebted to or possesses or controls property belonging to the defendant. For funding per statute of 36th Dist Ct by City of Detroit Finance Dept.,
 4. Plaintiff requests a writ of nonperiodic garnishment. Treasury Div., Central Disbursement Acct.
- I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Agent/Attorney signature

WRIT OF GARNISHMENT

To be completed by the court. See other side for additional information and instructions.

TO THE PLAINTIFF: You must provide all copies of the disclosure form (MC 14), 2 copies of this writ for serving on the garnishee, and \$1.00 disclosure fee. You are responsible for having these documents served on the garnishee within 91 days. If the disclosure states that the garnishee holds property **other than money** belonging to the defendant, you must motion the court within 56 days after the disclosure is filed for an order to apply the property toward the judgment.

TO THE DEFENDANT:

1. Do not dispose of any negotiable instrument representing a debt of the garnishee or any negotiable instrument of title representing property in which you claim an interest held in the possession or control of the garnishee.
2. You have **14 days** after this writ is mailed or delivered to you to file objections with the court. If you do not take this action within this time, without further notice, the property or debt held under this writ may be applied to the judgment **28 days** after this writ was mailed or delivered to the garnishee.

TO THE GARNISHEE:

1. Within **7 days** after you are served with this writ, you must deliver a copy of this writ to the defendant in person or mail a copy to his or her last known address by first-class mail.
2. Deliver no tangible or intangible property and pay no obligation to the defendant unless allowed by statute or court rule.
3. Within **14 days** after you are served with this writ, you must deliver or mail copies of your verified disclosure (form MC 14) to the court, plaintiff/attorney, and defendant. A default may be entered against you for failure to comply with this order.
4. If indebted to the defendant, you must withhold an amount not to exceed the amount of the judgment stated in item 2 of the request. Payment of withheld funds must be made **28 days** after you are served with this writ unless notified that an objection has been filed.

You are ordered to make the payment withheld under this writ payable to

and mail it to: ☐ the plaintiff ☒ the plaintiff's attorney.

☐ the court
☐ the court.

5. If you hold property other than money belonging to the defendant, do not transfer it until further order of the court.

Date of issue

Expiration date for service

Deputy court clerk

MC 13 (8a/07) **REQUEST AND WRIT FOR GARNISHMENT (NONPERIODIC)**

MCL 600.4011 et seq., MCR 3.101

13-53846-swr Doc 1196-2 Filed 10/15/13 Entered 10/15/13 18:37:15 Page 1 of 10

*Does not include appellate costs, fees or interest.

PROOF OF SERVICE**REQUEST AND WRIT FOR
GARNISHMENT (NONPERIODIC)**

Case No. _____

TO PROCESS SERVER: You must serve the garnishee with 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee, and file proof of service with the court clerk as directed by the plaintiff. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- ☐ I served 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee by:
☐ personal service ☐ registered or certified mail (copy of return receipt attached) on:

Garnishee name	Complete address of service	Day, date, time

- ☐ I have personally attempted to serve the writ of garnishment, a disclosure form, and the applicable fee on the garnishee and have been unable to complete service.

Garnishee name	Complete address of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received 2 copies of the request and writ of garnishment, a disclosure form, and any applicable fee on

Day, date, time_____
on behalf of

Signature

MCR 2.105

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

v

36TH DISTRICT COURT,

Defendant.

03-327602-CD 8/20/2003
JDG: ROBERT L ZIOLKOWSKI
SCIOTTI KEN
vs
36TH DISTRICT COURT

SCOTT E. COMBS (P37554)
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi, Michigan 48377-3427
(248) 380-5050

CONSTANCE J. ALLEN (P30752)
Attorney for Defendant
421 Madison Avenue, Suite 4109
Detroit, Michigan 48226-2358
(313) 965-3082

JUDGMENT

At a session of said Court held

ON: AUG 09 2005

HON: ROBERT L. ZIOLKOWSKI
Circuit Court Judge

The above-entitled lawsuit was tried before this Court to a jury verdict which was rendered on July 14, 2005.

Pursuant to the verdict, Judgment is entered as follows:

In favor of Ken Sciotti and against Defendant, 36th District Court for:

Economic damages to the present:	\$57,000.00
Economic damages in the future:	\$227,000.00
Non-economic damages to the present:	\$37,000.00
Non-economic damages in the future:	\$103,000.00

This Judgment confirms the verdict of the jury only. Defendant's Motion for JNOV and/or New Trial and Plaintiff's Motion for Post-Judgment Costs and Attorney Fees remain pending before the Court.

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

ROBERT L. ZIOLKOWSKI
CIRCUIT COURT JUDGE

BY SCOTT E. COMBS DEPUTY CLERK
Approved as to form only

SCOTT E. COMBS (P37554)
Attorney for Plaintiff

Constance J. Allen
CONSTANCE J. ALLEN (P30752)
Attorney for Defendant

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Case No. 03 327602 NZ
HON. ROBERT ZIOLKOWSKI

Plaintiff,

-VS-

36TH DISTRICT COURT

Defendants.

SCOTT E. COMBS P37554
Attorney for Plaintiff
27780 Novi Road, Suite 105
Novi MI 48377
248/380-5050

CONSTANCE J ALLEN P30752
Attorney for Defendant 36th District Court
36th District Court
421 Madison Suite 4109
Detroit MI 48226
313/965-3082

ORDER RE JUDGMENT FOR STATUTORY COSTS AND ATTORNEY FEES

At a session of said Court, held

ON: DEC 13 2005

BEFORE: PAUL S. TERANES
CIRCUIT COURT JUDGE

Pursuant to plaintiff's motion for statutory costs and attorney fees under the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2802, and after argument, testimony and evidence being presented at motion hearing and an evidentiary hearing before this Honorable Court;

IT IS HEREBY ORDERED that Plaintiff's request for statutory costs and attorney fees under the ELCRA is hereby granted, and an award of costs, being \$2,439.27, and attorney fees in the amount of

\$148,775, totaling \$151,214.27

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

PAUL S. TERANES

CIRCUIT COURT JUDGE

13-53846-swr Doc 1196-2 Filed 10/15/13

Entered 10/15/13 18:37:15 Page 4 of 10

Judge ROBERT L. ZIOLKOWSKI

Automatic Data Processing, Inc.
Corporate Headquarters
One ADP Boulevard
Roseland, New Jersey 07068-1728



Legal Department
Writer's Direct Dia. Number
(973) 974-5291-Phone
(973) 974-3399-Fax

January 22, 2009

Via Federal Express

Clerk
3rd Judicial Circuit
2 Woodward Avenue
Detroit, MI 48226

Re: Request and Writ for Garnishment dated January 9, 2009
Kenneth Sciotti v. 36th District Court
Case No. 03-327602-CD

Dear Sir/Madam:

Enclosed please find executed Garnishee Disclosure submitted by ADP, Inc. ("ADP") in connection with the above-captioned matter.

Please be advised that by holding the tax monies described in the Garnishee Disclosure on behalf of City of Detroit (ADP Company Codes U1B and K3E), the City of Detroit may incur interest and penalties for late tax filing. ADP will not be liable for any penalties or interest assessed by the taxing authorities resulting from its complying with the above-captioned Garnishment.

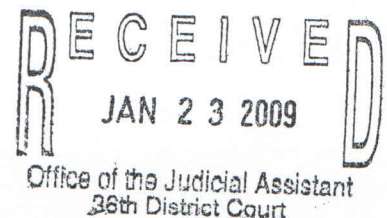
Please contact me if you have any questions.

Very truly yours,

Alice Quinn
Alice Quinn
Senior Legal Assistant

Enclosures

cc: Scott E. Combs, Esq. (w/encls.) (Via Fax & Federal Express)
Constance Allen, Esq. (w/encls.) Via Fax & Federal Express)



Approved: SCAO

Original - Court
1st copy - Plaintiff
2nd copy - Garnishee
3rd copy - Defendant

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

GARNISHEE DISCLOSURE

CASE NO.

3rd

03-327602 CD

Court address

Court telephone no.

2 Woodward Avenue, Detroit, MI 48226

Plaintiff's name, address, and telephone no. (judgment creditor)

Kenneth Sciotti

Defendant's name, address, and telephone no. (judgment debtor)

36th District Court (413)
16 Clarence Allen
421 Madison Street, 4109
Detroit, MI 48226

Plaintiff's attorney, bar no., address, and telephone no.

Scott E. Combs (248)
27780 Novi Road 380-5050
Novi, MI 48377

Garnishee's name and address

ADP, Inc.
1601 Michigan Ave
Dearborn, MI 48126

SEE INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.
☒ a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.
☐ b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.

2. At the time of service of the writ, the garnishee:

Nonperiodic Garnishments

- ☒ a. is not indebted to the defendant ADP is in possession of payroll for monies. See Attachment
Reason: ADP is in possession of payroll for monies. See Attachment

- ☐ b. is indebted to defendant from periodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control Type of account and account number if applicable
The amount to be withheld is \$ _____ and does not exceed the amount stated in item 2 of the writ.

- ☐ c. Withholding is exempt because _____

Periodic Garnishments

- ☐ d. is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: ☐ not employed. ☐ other _____

- ☐ e. is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for ☐ earnings. ☐ non-earnings _____

Specify nature of payments (See instructions on back)

Payments are made ☐ weekly. ☐ biweekly. ☐ semi-monthly. ☐ monthly. ☐ other _____

Frequency of payment

A higher priority writ/order ☐ is ☐ is not currently in effect. (If a higher priority writ/order is in effect, complete the following.)

Name of court that issued higher priority writ/order

Case number

Date issued

Date served

Withholding under this writ

☐ will begin immediately if sufficient funds are available.

☐ will not begin immediately because defendant is ☐ laid off. ☐ sick. ☐ on leave. ☐ other. _____

Specify

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Date

Dusan L. M. Indje
Garnishee/Agent/Attorney signature

I certify that:

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the court.

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.

on 1-22-2009

I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Date

Alii Quinn
Garnishee/Agent/Attorney signature

DO NOT INCREASE YOUR PAYMENTS WITH THE DEBTOR'S INDEBTEDNESS TO THE COURT

MC 14 (303) GARNISHEE DISCLOSURE

13 USC 1672, 15 USC 1673, MCR 3.101

RECEIVED
JAN 23 2009

City of Detroit (ADP Company Code U1B)

ADP is holding:

State Income Tax monies of \$499.32

\$217.87 Detroit local

\$34.55 Detroit alternate local

State Income Tax is due to be deposited on 2/18/2009

Detroit local and Detroit alternate are due to be deposited on 2/20/2009

City of Detroit (ADP Company Code K3E)

ADP is holding:

State Income Tax monies \$61,595.19

\$27,154.20 Detroit local

\$6,341.69 Detroit alternate local

\$32.70 Highland local

State Income Tax is due to be deposited on 2/18/2009

Detroit local, Detroit alternate and Highland local is due to be deposited on 2/20/2009

RECEIVED
JAN 23 2009

Office of the Judicial Assistant
36th District Court

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT

GARNISHEE DISCLOSURE

CASE NO. 03-327602 CD

3rd Court address 2 Woodward Avenue, Detroit, MI 48226

Plaintiff's name, address, and telephone no. (judgment creditor) Kenneth Sciotti

Plaintiff's attorney, bar no., address, and telephone no. (248) Scott E. Combs 370-5050 27780 Novi Road Novi, MI 48377

Defendant's name, address, and telephone no. (judgment debtor) 36th District Court 16 Constance Allen # 421 Madison Street, 4109 3rd Detroit, MI 48226

Garnishee's name and address ADP, Inc. 16401 Michigan Ave Dearborn, MI 48126

SEE INSTRUCTIONS ON OTHER SIDE

1. This disclosure is for a writ of garnishment issued on 1-9-2009 and received by garnishee on 1-9-2009.

☒ a. The garnishee mailed or delivered a copy of the writ of garnishment to the defendant on 1-14-2009.

☐ b. The garnishee was unable to mail or deliver a copy of the writ of garnishment to the defendant.

2. At the time of service of the writ, the garnishee:

Nonperiodic Garnishments

☒ a. is not indebted to the defendant in any amount and does not possess or control the defendant's property, money, etc. Attachment

Reason:

☐ b. is indebted to defendant for nonperiodic payments as follows:

Description of property, money, negotiable instruments, etc. under garnishee's control: Type of account and account number if applicable

The amount to be withheld is \$ and does not exceed the amount stated in item 2 of the writ

☐ c. Withholding is exempt because:

Periodic Garnishments

☐ d. is not obligated to make periodic payments to the defendant during the 91-day period.

Reason: ☐ not employed. ☐ other

☐ e. is obligated to make periodic payments to the defendant during the 91-day period as follows.

Payments are for ☐ earnings. ☐ nonearnings

Payments are made ☐ weekly. ☐ biweekly. ☐ semimonthly. ☐ monthly. ☐ other.

A higher priority writ/order ☐ is ☐ is not currently in effect. (If a higher priority writ/order is in effect, complete the following.)

Name of court that issued higher priority writ/order Case number Date issued Date served

Withholding under this writ

☐ will begin immediately if sufficient funds are available.

☐ will not begin immediately because defendant is ☐ laid off. ☐ sick. ☐ on leave. ☐ other.

I declare that the statements above are true to the best of my information, knowledge, and belief.

1-22-2009

Date

I certify that:

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the court.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the plaintiff/attorney.

on 1-22-2009 I mailed or personally delivered a copy of this disclosure to the defendant.

1-22-2009

Date

RECEIVED
JAN 23 2009

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

KEN SCIOTTI,

Plaintiff,

v

36TH DISTRICT COURT,

Defendants.

03-327602-CD 8/20/2003

JDG: ROBERT L ZIOLKOWSKI

SCIOTTI KEN

VS

||||| ||||| ||||| |||||

36TH DISTRICT COURT

**Order RE: Defendant's Motion to Quash Writs, For Sanctions
And Enjoin Further Collection Actions**

At session of said Court held in the
CAYMC, In The County of Wayne,
City of Detroit, State of Michigan

ON: _____

FEB 12 2009

PRESENT: _____

ROBERT L. ZIOLKOWSKI

This matter having come before the Court on Plaintiff's Motion to Quash Writs,
for Sanctions and to Enjoin Further Collection Actions and the parties having appeared
before the Court on January 30, 2009,

IT IS HEREBY ORDERED THAT:

1. The Writs of Garnishment previously issued to ADP, Comerica and the City
Finance Department are hereby quashed as of January 30, 2009.
2. The subpoena to Thomas Clark for a creditor's examination is quashed.

3. The Court denies the request for sanctions.

4. The request for injunctive relief is denied at this time.

Date: _____

ROBERT L. ZIOLKOWSKI

Honorable Robert L. Ziolkowski
Circuit Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK

BY RLZ

DEPUTY CLERK