

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

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

***EX PARTE* MOTION FOR SHORTENED NOTICE AND EXPEDITED
HEARING ON MOTION OF THE OBJECTORS FOR LEAVE TO
CONDUCT LIMITED DISCOVERY IN CONNECTION WITH MOTION
OF DEBTOR FOR A FINAL ORDER PURSUANT TO 11 U.S.C. §§ 105, 362,
364(C)(1), 364(C)(2), 364(E), 364(F), 503, 507(A)(2), 904, 921 AND 922 (I)
APPROVING POST-PETITION FINANCING, (II) GRANTING LIENS
AND PROVIDING SUPERPRIORITY CLAIM STATUS AND (III)
MODIFYING AUTOMATIC STAY**

The Objectors¹ submit this *Ex Parte* Motion for an Order Shortening the Notice Period and Scheduling an Expedited Hearing with Respect to the *Motion of the Objectors for Leave to Conduct Limited Discovery in Connection with Motion of the Debtor for a Final Order Pursuant to 11 U.S.C. §§105, 362, 364(c)(1) 364(c)(2), 364(e), 364(f), 503, 507(a)(2), 904, 921 and 922 (I) Approving Post-Petition Financing, (II) Granting Liens and Providing Superpriority Claim Status and (III) Modifying Automatic Stay* (the “DIP Discovery Motion”) and respectfully represent as follows:

¹ Capitalized terms not defined herein have the meanings given to them in the Objectors’ DIP Discovery Motion.

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested and Basis for Relief

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R. Bankr. P. 9006(c); E.D. Mich. LBR 9006-1(b).

3. The Objectors respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the DIP Discovery Motion and schedule an expedited hearing on the DIP Discovery Motion on **November 14, 2013**.

4. Contemporaneously with the filing of this *Ex Parte* Motion, the Objectors filed the DIP Discovery Motion. For the reasons stated in the DIP Discovery Motion, the Objectors seek the entry of an order granting the Objectors leave to conduct limited discovery with respect to the DIP financing. The Objectors submit that further discovery is required in connection with the DIP financing to assess whether it can meet the requirements for approval by this Court.

5. The hearing on the City's DIP Motion is scheduled for December 10, 2013 pursuant to this Court's order [Doc. No. 1564]. Cause exists to shorten the notice period on the Objectors' DIP Discovery Motion because, absent shortened notice and hearing, the Objectors' DIP Discovery Motion could be heard at the earliest on November 25, 2013. This would leave only 14 days for the parties to conduct discovery, including document requests and depositions, in relation to the significant DIP financing transaction. Under these circumstances, shortened notice and an expedited hearing are appropriate because they allow the Objectors to obtain the requisite discovery and effectively prepare for the December 10, 2013 hearing on the City's DIP Motion.

6. The Court has set an Omnibus Hearing for November 14, 2013. This hearing will include the Court's consideration of motions requesting relief related to the DIP financing transaction, including Syncora's 2004 Motion [Doc. No. 1342] and the City's Seal Motion [Doc. No. 1521]. It would be appropriate to hear the Objectors' DIP Discovery Motion in connection with these related motions.

7. The Objectors respectfully submit that, for the reasons stated above, good cause exists to shorten the notice period and expedite hearing and request that the Objectors be heard at the November 14, 2013 Omnibus hearing regarding their DIP Discovery Motion.

8. The Objectors will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

Statement of Concurrence Sought

9. In accordance with Local Bankruptcy Rule 9006-1(b), counsel for Syncora sought concurrence from opposing counsel for the relief requested in this motion on November 11, 2013. Counsel for the City did not object to a November 14, 2013 hearing on the Objectors' DIP Discovery Motion.

Conclusion

WHEREFORE, The Objectors respectfully request that the Court enter an Order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as this Court deems appropriate.

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Dated: November 11, 2013

/s/ Stephen C. Hackney

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Exhibit 1
Proposed Order

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

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

**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED NOTICE
AND EXPEDITED HEARING ON MOTION OF THE OBJECTORS FOR
LEAVE TO CONDUCT LIMITED DISCOVERY IN CONNECTION WITH
MOTION OF DEBTOR FOR A FINAL ORDER PURSUANT TO 11 U.S.C.
§§ 105, 362, 364(C)(1), 364(C)(2), 364(E), 364(F), 503, 507(A)(2), 904, 921
AND 922 (I) APPROVING POST-PETITION FINANCING, (II) GRANTING
LIENS AND PROVIDING SUPERPRIORITY CLAIM STATUS AND (III)
MODIFYING AUTOMATIC STAY**

This matter having come before the Court on the motion (the “*Ex Parte Motion*”) of the Objectors for the entry of an order shortening the notice period and scheduling an expedited hearing on the *Motion of the Objectors for Leave to Conduct Limited Discovery in Connection with Motion of the Debtor for a Final Order Pursuant to 11 U.S.C. §§105, 362, 364(c)(1), 364(c)(2), 364(e), 364(f), 503, 507(a)(2), 904, 921 and 922 (I) Approving Post-Petition Financing, (II) Granting Liens and Providing Superpriority Claim Status and (III) Modifying Automatic Stay* (the “DIP Discovery Motion”), the Court having reviewed the Objectors’ motion; and the Court having determined that the legal and factual bases set forth in the motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Objectors' *Ex Parte* Motion is GRANTED.
2. The hearing with respect to the Objectors' DIP Discovery Motion shall be held on November 14, 2013 before Hon. Steven Rhodes.
3. The joining Objectors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the motion.
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.
5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IT IS SO ORDERED.

STEVEN W. RHODES
United States Bankruptcy
Judge