

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

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

**STIPULATION FOR ENTRY OF ORDER GRANTING GET BACK UP,
INC. RELIEF FROM THE AUTOMATIC STAY**

The City of Detroit, Michigan (the “City”) and Get Back Up, Inc., (“Get Back Up”) by and through their respective counsel, stipulate and agree as follows:

WHEREAS on September 8, 2011, Get Back Up filed a complaint against the City of Detroit, City of Detroit Board of Zoning Appeals in the United States Eastern District of Michigan (“District Court”), commencing case number 11-13909 (“Lawsuit”).

WHEREAS on August 17, 2012, Get Back Up filed its Motion for Judgment for Permanent Injunction, Brief in Support Proof of Service [Doc. No. 20] (“Motion for Judgment”).

WHEREAS on August 30, 2012, the City filed its Counter-Motion for Judgment, Combined Brief in Support of Counter-Motion for Judgment, and Brief

in Support of Response to Plaintiff's motion for Motion for Permanent Injunction [Doc. No. 21] ("Cross-Motion for Judgment").

WHEREAS the Court issued its Opinion and Order Granting Defendants' and Denying Plaintiff's, Motion for Judgment [Doc. No. 25] ("Opinion and Order"). The Opinion and Order provided that "IT IS ORDERED that Detroit's motion for judgment [Dkt. #21] is GRANTED and that Get Back Up's motion for judgment [Dkt. #20] is DENIED. A judgment will issue in accord with this order on July 16, 2013, unless, before that day, the parties stipulate to, or Get Back Up moves for, a stay pending appeal."

WHEREAS on July 15, 2013, Get Back Up filed its Motion for Reconsideration and/or to Amend the Judgment [Doc. No. 26] ("Motion for Reconsideration").

WHEREAS on July 17, 2013, the District Court entered a judgment in favor of the City in accordance with the Opinion and Order [Doc. No. 31] ("Judgment").

WHEREAS on July 17, 2013, the District Court entered a Stipulated Order for Stay Pending Appeal [Doc. No. 30] ("Stipulated Order"). The Stipulated Order provided that in order to preserve the status quo the City would not enforce its zoning ordinance requiring Get Back Up to obtain a Conditional Use Permit to operate in a B4 zoning district pending entry of the Judgment in the Lawsuit and exhaustion of any appeals of the Judgment.

WHEREAS on August 22, 2013, the City filed its response to the Motion for Reconsideration [Doc. No. 32].

WHEREAS on October 17, 2013, the District Court entered an order staying the Lawsuit pending the resolution of the City's bankruptcy case [Doc. No. 35].

NOW, THEREFORE, the City and Get Back Up stipulate and agree as follows:

1. The Lawsuit is stayed except as provided for in this Stipulation.
2. The District Court may conduct oral argument on the Motion for Reconsideration.
3. The District Court may issue its order on the Motion for Reconsideration.
4. Following disposition of the Motion for Reconsideration, either party may appeal the Judgment or any judgment issued as a result of reconsideration of the Judgment.
5. Get Back Up may not pursue or liquidate any claim for money damages against the City except through the claims resolution process established in the City's chapter 9 bankruptcy case.

STIPULATED:

Dated: November 12, 2013

ATTORNEYS FOR GET BACK UP, INC.

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**ORDER GRANTING STIPULATION FOR ENTRY OF ORDER
GRANTING GET BACK UP, INC. RELIEF FROM THE AUTOMATIC
STAY**

Upon the Stipulation for Entry of Order Granting Get Back Up, Inc., Relief from the Automatic Stay (“Stipulation”); the Court having reviewed the Stipulation and determining that good and sufficient cause has been shown;

IT IS HEREBY ORDERED THAT:

1. The Lawsuit¹ is stayed except as provided for in this Order.
2. The District Court may conduct oral argument on the Motion for Reconsideration.
3. The District Court may issue its order on the Motion for Reconsideration.

¹ Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

4. Following disposition of the Motion for Reconsideration, either party may appeal the Judgment or any judgment issued as a result of reconsideration of the Judgment.

5. Get Back Up may not pursue or liquidate any claim for money damages against the City except through the claims resolution process established in the City's chapter 9 bankruptcy case.