

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

MEMORANDUM REGARDING SUPPLEMENTAL AUTHORITY

On November 8, 2013, the Sixth Circuit Court of Appeals entered its Order in the case *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, docket no. 12-2087 (November 8, 2013 Order) and granted Defendant's and Intervenor Defendant's Petition for Rehearing En Banc. (Exhibit 1.) As a result, the decision in this case reported at *City of Pontiac Retired Employees Assoc., et. al. v. Schimmel*, 726 F.3d 767 (6th Cir. 2013) is vacated and the mandate is stayed. The case has been restored to the docket to be briefed and argued *en banc*.

The reported decision was cited and relied on by several Objectors in support of arguments challenging the constitutionality of 2012 P.A. 436. The most recent references are found in Doc. #1471, pp. 8-9 (RDPMA's supplemental briefing) and Doc. #1474, pp. 13-15 (Official

Committee of Retirees supplemental briefing). Because this Order vacates the reported decision and stays the mandate, it has no application in the captioned matter.

Respectfully submitted,

/s/Matthew Schneider

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Dated: November 14, 2013

No. 12-2087

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Nov 08, 2013
) DEBORAH S. HUNT, Clerk
)

CITY OF PONTIAC RETIRED EMPLOYEES ASSOCIATION, ET AL.,

Plaintiffs-Appellants,

v.

LOUIS SCHIMMEL, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY
AS EMERGENCY MANAGER OF THE CITY OF PONTIAC, ET AL.,

Defendants-Appellees.

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O R D E R

**BEFORE: BATCHELDER, Chief Judge; BOGGS, MOORE, COLE, CLAY, GIBBONS,
 ROGERS, SUTTON, COOK, McKEAGUE, GRIFFIN, KETHLEDGE, WHITE,
 STRANCH, and DONALD, Circuit Judges.**

A majority of the Judges of this Court in regular active service have voted for rehearing of this case en banc. Sixth Circuit Rule 35(b) provides as follows:

“A decision to grant rehearing en banc vacates the previous opinion and judgment of the court, stays the mandate, and restores the case on the docket as a pending appeal”

Accordingly, it is **ORDERED**, that the previous decision and judgment of this court is vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk