

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

City of Detroit, Michigan,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

_____ /

**ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE
EXTENDING THE CHAPTER 9 STAY TO ANY ACTION OR CLAIM FOR
DAMAGES BROUGHT AGAINST ANY FORMER DETROIT PUBLIC
SAFETY UNION MEMBER, INCLUDING ANY RETIREE, WHICH
ARISES OUT OF THE GOOD FAITH PERFORMANCE OF HIS OR HER
DUTIES WHILE EMPLOYED BY THE CITY**

This matter is before the Court on the Motion of the Detroit Public Safety Unions, Pursuant to Section 105(a) of the Bankruptcy Code, for Entry of an Order Extending the Chapter 9 Stay to Any Action or Claim for Damages Brought against Any Former Detroit Public Safety Union Member, Including Any Retiree, Which Arises Out of His or Her Duties While Employed by the City (the “Motion”); the Court having reviewed the Motion and the consent by the City to entry of the relief requested in the Motion; and the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b), (c) notice of the Motion and opportunity for hearing was sufficient under the circumstances, (d) the unusual

circumstances present in this chapter 9 case warrant extending the Chapter 9 Stay to the former Detroit Public Safety Union members, including any retiree, which arose or arise out of the good faith performance of his or her duties while employed by the City; and the Court having determined that the legal and factual bases set forth in the Motion at the Hearing establish just cause for the relief granted herein;

IT IS HEREY ORDERED that:

1. The Motion is GRANTED.
2. Pursuant to Section 105(a) of the Bankruptcy Code, the Chapter 9 Stay hereby is extended to apply in all respects (to the extent not otherwise applicable) to any action or claim for damages brought against any former Detroit Public Safety Union Member, including any retiree, (a) which arose or arises out of the good faith performance of such former Detroit Public Safety Union Member's duties while employed by the City and (b) which arose or arises out of events or circumstances that entitle such former Detroit Public Safety Union Member to seek the payment of defense costs and/or indemnification from the City.
3. The Stay extends to any collection proceeding on any such action.
4. This Order does not and shall not reduce, impair, or otherwise affect any substantive rights that any party may have against any individual against whom an action is stayed as a result of this Order.

5. This order is entered without prejudice to the right of any party to file a motion for relief from the stay imposed by this order using the procedures of and under the standards of 11 U.S.C. § 362(d).

6. In extending the stay to retirees and/or former employees, the Court makes no determination and offers no opinion as to whether, in a particular case, a former employee is entitled to a defense or indemnification from the City, and this order is expressly without prejudice to the issue of any former employee's right to a defense or indemnification in a particular case.

Signed on November 15, 2013

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge