

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

Expedited Consideration Requested

**DEBTOR'S *EX PARTE* MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITED HEARING, IF
NECESSARY, WITH RESPECT TO DEBTOR'S MOTION FOR ENTRY OF
AN ORDER ESTABLISHING PRE-TRIAL AND TRIAL PROCEDURES
AND SETTING ADDITIONAL HEARING DATES**

The City of Detroit hereby moves *ex parte* for the entry of an order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1(b) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan (the "Local Rules") (a) shortening the notice period with respect to the Debtor's Motion for Entry of an Order Establishing Pre-Trial and Trial Procedures and Setting Additional Hearing Dates (the "Motion") so that objections to the Motion, if any, must be filed no later than November 26, 2013 at noon, and (b) scheduling a hearing on the Motion, if an objections are raised, for

November 27, 2013 at 9:00 a.m. In support of this *Ex Parte* Motion, the City respectfully states as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order establishing certain pre-trial and prior procedures, and the setting of hearing dates on related matters, with the intent of promoting the efficiency of the hearing scheduled to begin on December 10, 2013 on the City's Assumption Motion and Post-Petition Financing Motion.

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion so that objections to the Motion, if any, must be filed no later than November 26, 2013 at noon, and (b) scheduling a hearing on the Motion, if any objections are filed, on November 27, 2013 at 9:00 a.m.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

5. In addition, pursuant to Bankruptcy Rule 9007, “[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given.” Fed. R. Bankr. P. 9007.

6. Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on shortened notice and approve the manner of notice of such hearing.

7. The hearings on the Assumption Motion and the Post-Petition Financing Motion are set to begin on December 10, 2013 – just ten business days from now.

8. As explained more fully in its Motion, the City believes that the immediate implementation of pre-trial procedures is needed to ensure that all

parties have the ability to take necessary discovery and adequately prepare for the December 10 hearing. The City's Motion proposes certain deadlines as early as November 29, 2013, when objections to the Post-Petition Financing Motion are due, making it necessary to bring the Motion before the Court expeditiously.

9. The Court already has a hearing scheduled on other matters on November 27, 2013 at 9:00 a.m. at which most if not all of the parties who may be interested in the Motion will be present. Thus, the parties will not be prejudiced by scheduling a hearing on the Motion at the same time.

10. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties registered to receive notice in the above-captioned proceeding, and will provide notice of the *ex parte* order promptly upon issuance.

11. For these reasons, the City submits that cause exists to shorten the notice on the Motion so that objections are due November 26, 2013 at noon and to schedule a hearing on the Motion, if necessary, for November 27, 2013, at 9:00 a.m.

WHEREFORE, the City respectfully requests 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 the Court deems appropriate.

Dated: November 22, 2013

Respectfully submitted,

/s/ Deborah Kovsky-Apap
Robert S. Hertzberg
Deborah Kovsky-Apap
PEPPER HAMILTON LLP
4000 Town Center, Suite 1800
Southfield, MI 48075
Telephone: (248) 359-7300
Fax: (248) 359-7700
hertzbergr@pepperlaw.com
kovskyd@pepperlaw.com

- and -

Thomas F. Cullen, Jr.
Gregory M. Shumaker
Geoffrey S. Stewart
Geoffrey S. Irwin
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001.2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
tfcullen@jonesday.com
gshumaker@jonesday.com
gstewart@jonesday.com

**ATTORNEYS FOR THE CITY OF
DETROIT**

EXHIBIT 1

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

SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

Chapter 9

Case No. 13-53846

Hon. Steven W. Rhodes

**ORDER GRANTING DEBTOR’S *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING
AN EXPEDITED HEARING**

This matter coming before the Court on Debtor’s *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Debtor’s Motion for Entry of an Order Establishing Pre-Trial and Trial Procedures and Setting Additional Hearings (the “Motion”);¹ the Court having reviewed the Motion; having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (iii) this is a core proceeding pursuant to 28 U.S.C. § 157(b), and (iv) notice of the Motion was sufficient under the circumstances; having determined after due deliberation that the relief requested in the Motion is

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.

in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED**.
2. Objections to the Debtor's Motion shall be filed no later than November 26, 2013 at noon (prevailing Eastern Time).
3. If any objection is filed, a hearing with respect to the Debtor's Motion shall be held on November 27, 2013, at 9:00 a.m. (prevailing Eastern Time) before the Hon. Steven Rhodes in Courtroom _____, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.