

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

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

**EX PARTE MOTION OF DEBTOR FOR AN ORDER  
AUTHORIZING IT TO FILE A REPLY IN EXCESS OF PAGE LIMIT**

The City of Detroit, Michigan (the "Debtor" or the "City"), as the debtor in the above-captioned case, hereby moves the Court for the entry of an order authorizing the Debtor to file its consolidated reply (the "Reply") to objections to the Motion of Debtor for Entry of an Order (I) Authorizing the Assumption of that Certain Forbearance and Optional Termination Agreement Pursuant to Section 365(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant Rule 9019, and (III) Granting Related Relief (the "Assumption Motion") in excess of 30 pages.

1. On July 18, 2013, the City filed (a) its voluntary petition for relief (Docket No. 1) under chapter 9 of title 11 of the United States Code

(the "Bankruptcy Code") and (b) its Motion (Docket No. 17), which was thereafter corrected on July 24, 2013 (Docket No. 157).

2. After a series of adjournments, the Court entered an order scheduling a hearing to consider the Assumption Motion for September 23, 2013 and September 24, 2013 (Docket No. 684).

3. The deadline for objecting to the Assumption Motion was set for August 16, 2013, although the Official Retiree Committee was granted an extension to September 16, 2013 (Docket No. 896).

4. Fourteen objections or reservations of rights with respect to the Assumption Motion (the "Objections") have been filed.<sup>1</sup> Certain of the objections exceeded the otherwise applicable page limitations. (See Docket Nos. 366 and 379).

5. Paragraph 3 of the Order Establishing Motion Procedure (Docket No. 283) (the "Motion Procedure Order") provides that, "[n]otwithstanding LBR 9014-1(e), a reply brief filed by the City shall not exceed 30 pages." This paragraph further provides, however, that "[t]he City may file a motion to extend this page limit for cause shown."

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<sup>1</sup> The Official Committee of Retirees supports the Motion and has withdrawn its Objection to the Motion. [ECF Docs. 1869, 1871].

6. Together, the Objections raise numerous factual and legal issues, including various arguments based on the Bankruptcy Code and New York law which relate to the fairness of the proposed settlement, the assumption of the contract, the anticipated litigation related to the settlement, and the consequences of the compromise for a variety of different parties in interest. The Debtor submits that it requires more than 30 pages to meaningfully reply to the various issues raised in the Objections. Accordingly, the Debtor respectfully requests that it be (a) granted relief from the page limit for reply briefs imposed by paragraph 3 of the Motion Procedure Order and (b) permitted to file its Reply in excess of 30 pages in length.

WHEREFORE, the Debtor respectfully requests that this Court:

(i) enter an order substantially in the form attached hereto as Exhibit 1, granting the relief sought herein; and (ii) grant such other and further relief to the Debtor as the Court may deem proper.

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Dated: December 10, 2013

Respectfully submitted,

/s/ David G. Heiman

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ATTORNEYS FOR THE DEBTOR

## SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

|           |  |
|-----------|--|
| Exhibit 1 | Proposed Form of Order                                       |
| Exhibit 2 | None [Motion Seeks <i>Ex Parte</i> Relief]                   |
| Exhibit 3 | None [Brief Not Required]                                    |
| Exhibit 4 | None [Separate Certificate of Service To Be Filed]           |
| Exhibit 5 | None [No Affidavits Filed Specific to This Motion]           |
| Exhibit 6 | None [No Documentary Exhibits Filed Specific to this Motion] |

**EXHIBIT 1**

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

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

**EX PARTE ORDER AUTHORIZING  
DEBTOR TO FILE A REPLY IN EXCESS OF PAGE LIMIT**

This matter coming before the Court on the *Ex Parte* Motion of Debtor for an Order Authorizing it to File a Reply in Excess of Page Limit (the "Motion"),<sup>1</sup> filed by the City of Detroit, Michigan (the "Debtor"); and the Court being fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.

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

2. The Debtor is granted relief from the page limit for reply briefs set forth in paragraph 3 of the Motion Procedure Order and may file its Reply in excess of 30 pages.