

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

In re)
) Chapter 9
)
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
)
Debtor.) Hon. Steven W. Rhodes
)
) Expedited Consideration
) Requested

***EX PARTE* MOTION FOR AN ORDER SHORTENING NOTICE AND
SCHEDULING AN EXPEDITED HEARING ON THE OBJECTORS’
SUPPLEMENTAL MOTION TO ADMIT CERTAIN DEPOSITION
TESTIMONY OF CHARLES MOORE AND JAMES DOAK**

The Objectors¹ hereby move for the entry of an *ex parte* 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 Objectors’ Supplemental Motion to Admit Certain Deposition Testimony of Charles Moore and James Doak* (the “Motion”), and (b) scheduling a

¹ This motion is joined by Syncora Capital Assurance Inc. and Syncora Guarantee Inc. (“Syncora”), Assured Guaranty Municipal Corp., The Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees, Ambac Assurance Corporation, National Public Finance Guarantee Corporation, Hypothekbank Frankfurt AG, Hypothekbank Frankfurt International S.A., and Erste Europäische Pfandbrief- und Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A. (collectively “EEPK”), the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit, FMS Wertmanagement AöR, and Financial Guaranty Insurance Company.

hearing on the Motion for December 13, 2013. In support of this *Ex Parte* Motion, the Objectors respectfully state as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue for this matter is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

RELIEF REQUESTED

2. The Objectors filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the Objectors seek entry of an order admitting certain deposition testimony of Charles Moore and James Doak pursuant to Federal Rule of Civil Procedure 32(a) and Bankruptcy Rule 7032.

3. By this *Ex Parte* Motion, the Objectors seek an order (a) shortening the notice period with respect to the Motion, and (b) scheduling a hearing on the Motion on December 13, 2013.

BASIS FOR RELIEF

4. Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done 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 and 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 approving the manner of notice of such hearing.

7. On December 4 and 5, 2013, the Objectors took the depositions of Charles Moore and James Doak, respectively, in connection with the upcoming evidentiary hearing on the Assumption Motion and DIP Motion. As explained in their Motion, the Objectors believe that the deposition testimony should be admitted pursuant to Federal Rule of Civil Procedure 32.

8. Because the hearing at which the Objectors will seek to use the deposition testimony of Messrs. Moore and Doak is scheduled for December 17-19, 2013, it is necessary to bring the Motion before the Court expeditiously. The parties have stipulated to a hearing on certain evidentiary motions for December 13, 2013, including hearing on the *Objectors’ Motion to Admit Certain Deposition Testimony of Kevyn Orr and Ken Buckfire* [Doc. No. 954], which the instant

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

9. For these reasons, the Objectors submit that cause exists to schedule a hearing on its Motion for December 13, 2013, on shortened notice.

WHEREFORE, the Objectors respectfully request 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.

[Remainder of this page intentionally left blank]

Dated: December 11, 2013

Respectfully submitted,

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Exhibit 1
Proposed Order

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

In re)
) Chapter 9
)
CITY OF DETROIT, MICHIGAN,) Case No. 13-53846
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Debtor.) Hon. Steven W. Rhodes
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**ORDER GRANTING *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING
ON THE OBJECTORS' SUPPLEMENTAL MOTION TO ADMIT
CERTAIN DEPOSITION TESTIMONY OF CHARLES MOORE AND
JAMES DOAK**

This matter coming before the Court on the *Ex Parte Motion for An Order Shortening Notice and Scheduling an Expedited Hearing on The Objectors' Motion to Admit Certain Deposition Testimony of Charles Moore and James Doak* (the "Motion"); the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Objectors' Motion is GRANTED.
2. A hearing with respect to The Objectors' Supplemental Motion to Admit Certain Deposition Testimony of Charles Moore and James Doak shall be held on December 13, 2013 before the Hon. Steven Rhodes in Courtroom 716,

Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.

3. The joining Objectors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the motion.

4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

IT IS SO ORDERED.

STEVEN W. RHODES
United States Bankruptcy Judge