

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

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

**PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED AGAINST CORRUPT
GOVERNMENT'S MOTION FOR AN EX PARTE ORDER REDUCING THE TIME
FOR A PARTY TO TAKE ANY ACTION OR FILE ANY OBJECTIONS TO
PETITIONERS' EMERGENCY MOTION FOR CLARIFICATION OF THE COURT'S
JULY 25, 2013 STAY ORDERS RELATING TO THE FILING OF A STATE COURT
QUO WARRANTO ACTION AGAINST MIKE DUGGAN**

PETITIONERS, Robert Davis and Citizens United Against Corrupt Government, by and through their attorney, Andrew A. Paterson, submit their, Motion for an Ex Parte Order Reducing the Time for A Party to Take Any Action or File Any Objections to Petitioners' Emergency Motion for Clarification of the Court's July 25, 2013 Stay Orders Relating to the Filing of A State Court Quo Warranto Action Against Mike Duggan, and state as follows:

1. Pursuant to LBR 9006-1(b), Petitioners Robert Davis and Citizens United Against Corrupt Government (collectively "**Petitioners**") respectfully request the Court to enter an *ex parte* order reducing the time for a party to take any action or file any objections to Petitioners' Emergency Motion for Clarification of the Court's July 25, 2013 Stay Orders Relating to the Filing of A State Court Quo Warranto Action Against Mike Duggan ("**Emergency Motion**").
2. Petitioners have just received written permission from the Michigan Attorney General

- to file a quo warranto action against “*Mayor-Elect*” Mike Duggan seeking his removal from office prior to his taking of the office on January 1, 2013.
3. In accordance with LBR 9006-1(b), on December 11th and 12th, 2013, Petitioner Robert Davis and counsel for Petitioners spoke with counsel and Stephen LaPlante, of Miller Canfield, Debtor’s counsel, regarding receiving his concurrence with Petitioners’ Emergency Motion to be heard on an expedited basis. Although Attorney LaPlante indicated that he understood why this matter should be heard on an expedited basis, Attorney LaPlante indicated that he could not agree to have this matter heard on an expedited basis until he had an opportunity to review the pleadings with his client.
 4. It is urgent for the Court to address the merits of Petitioners’ Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Orders relating to Petitioners’ State Court Quo Warranto Action against Mike Duggan, because the merits of Petitioners’ State Court Quo Warranto Action raise CRITICAL issues with respect to the legality of Mike Duggan’s election to office, and such issues must be adjudicated **prior to Mike Duggan so assuming such office on January 1, 2014.**
 5. The Michigan Supreme Court has recognized the importance of election-related cases and has required that election-related cases are heard in an expedited manner. See *Scott v Director of Elections*, 490 Mich 888, 889; 804 NW2d 119 (2011).
 6. Additionally, MCR 7.213(C)(4) requires the Michigan Court of Appeals expedite appeals from all cases involving election-related issues.
 7. This Court has previously determined that this Court’s July 25, 2013 Stay Orders **do not** apply to quo warranto actions brought against even already “elected and serving

officials” of the Debtor.

8. As noted in Petitioners’ Emergency Motion, Mike Duggan is not an “official”, “agent” or “representative” of the Debtor until such time as he seeks to assume the duties of such office on January 1, 2014.
9. Accordingly, Petitioners respectfully request that the Court reduce the time for a party to take action or object to Petitioners’ Emergency Motion and require that an emergency hearing and all pleadings are filed with respect thereto on or before **Tuesday, December 17, 2013.**

CONCLUSION/PRAAYER FOR RELIEF

Petitioners, Robert Davis and Citizens United Against Corrupt Government, pray that the Court enters an *ex parte* order reducing the time for a party to take action or object to Petitioners’ Emergency Motion and require that an emergency hearing and all pleadings are filed with respect thereto on or before **Tuesday, December 17, 2013.**

Respectfully submitted,

/S/ Andrew A. Paterson

Attorney for Petitioners
46350 Grand River, Suite C
Novi, MI 48374
(248) 568-9712

DATED: December 12, 2013

EXHIBIT 1
Proposed form of Order

**THE UNITED STATES BANKRUPTCY COURT
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In re:	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	Hon. Steven W. Rhodes
Debtor.	:	
	:	
	:	

X

**ORDER GRANTING PETITIONERS ROBERT DAVIS' AND CITIZENS UNITED
AGAINST CORRUPT GOVERNMENTS' MOTION FOR AN *EX PARTE* REDUCING
THE TIME FOR A PARTY TO TAKE ANY ACTION OR FILE OBJECTIONS TO
PETITIONERS' EMERGENCY MOTION**

This matter coming before the Court on the motion of Petitioners Robert Davis and Citizens United Against Corrupt Government (“Petitioners”) for entry of an *ex parte* order reducing the time for a party to take any action or file any objections to Petitioner’s Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Orders (“Emergency Motion”); the Court having reviewed Petitioners’ 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. Petitioners’ motion is GRANTED.
2. In accordance with LBR 9006-1(b), the time for a party or a party of interest to file any objections to Petitioners’ Emergency Motion with this Court is reduced to two (2) business days and a hearing shall be held on Tuesday, December 17, 2013 on Petitioners’ Emergency Motion.
3. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

EXHIBIT 2
Notice of Emergency Motion And Opportunity to Object

**THE UNITED STATES BANKRUPTCY COURT
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SOUTHERN DIVISION**

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In re:	:	Case No. 13-53846
CITY OF DETROIT, MICHIGAN,	:	Hon. Steven W. Rhodes
Debtor.	:	
	:	
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NOTICE OF MOTION AND OPPORTUNITY TO OBJECT

Petitioners Robert Davis and Citizens United Against Corrupt Government have filed papers with the court for an *ex parte* order reducing the time for a party to take any action or file objections to Petitioners Robert Davis’ and Citizens United Against Corrupt Government’s (collectively “Petitioners”) Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Orders.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant Petitioners’ Motion for an Ex Parte Order Reducing the time for a party to take any action or file objections to Petitioners’ Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Orders, or if you want the court to consider your views on the motion, the deadline to file an objection to the Emergency Motion is Tuesday, December 17, 2013) after service. Objections shall comply with F.R.Civ.P.8(b)(c) and (e). Accordingly, on or before, December 17, 2013, you or your attorney must:

File with the court a written request for a hearing or, if the court requires a written response, an answer, explaining your position at:

211 West Fort
Detroit, MI 48226

If you mail your request/response to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

You must also mail a copy to:

Andrew A. Paterson
Attorney for Petitioners
46350 Grand River, Suite C
Novi, MI 48374
(248) 568-9712
Aap43@hotmail.com

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief. If an objection is not timely filed, the court may grant the motion without a hearing.

Dated: December 12, 2013

/s/Andrew A. Paterson
Attorney for Petitioners
46350 Grand River, Suite C
Novi, MI 48374
(248) 568-9712
Aap43@hotmail.com

EXHIBIT 3

Brief [Not Required]

EXHIBIT 4
CERTIFICATE OF SERVICE

THE UNITED STATES BANKRUPTCY COURT

**EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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CITY OF DETROIT, MICHIGAN,	:	Hon. Steven W. Rhodes
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CERTIFICATE OF SERVICE

I, ANDREW A. PATERSON, certify that on December 12, 2013, I served a copy of Petitioners Robert Davis’ and Citizens United Against Corrupt Government’s Motion for *Ex Parte* Order To Reduce the Time for filing objections to Petitioners Robert Davis’ and Citizens United Against Corrupt Government’s Emergency Motion for Clarification of the Court’s July 25, 2013 Stay Orders on the following parties, via email, at these email addresses:

Stephen LaPlante (laplante@millercanfield.com)

Andrew A. Paterson (P18690)
Attorney for Petitioners
46350 Grand River, Suite C
Novi, MI 48374
(248) 568-9712
Aap43@hotmail.com
P18690

EXHIBIT 5

NONE

EXHIBIT 6

DOCUMENTARY EXHIBITS [NONE]