

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re

CITY OF DETROIT, MICHIGAN,

Debtor.

No. 13-53846

Chapter 9

HON. STEVEN W. RHODES

**APPELLEE STATE OF MICHIGAN'S DESIGNATION OF ITEMS  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Appellee, the State of Michigan, by and through the undersigned attorneys, submits the following designation of additional items to be included in the record on appeal in connection with Notice of Appeal filed by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Robbie Flowers, Michael Wells, Janet Whitson, Mary Washington and Bruce Goodman [Dkt. #2165] from the Court's Opinion Regarding Eligibility [Dkt. #1945] and Order for Relief Under Chapter 9 of the Bankruptcy Code [Dkt. #1946].

<b>Design- ation</b>	<b>Docket #</b>	<b>Filing Date</b>	<b>Description</b>
1.	10	7/18/2013	Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code
2.	11	7/18/2013	Declaration of Kevyn D. Orr in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code (Attachments: Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Exhibit G; Exhibit H; Exhibit I; Exhibit J; Exhibit K; Exhibit L)
3.	12	7/18/2013	Declaration of Gaurav Malhotra in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code
4.	13	7/18/013	Declaration of Charles M. Moore in Support of City of Detroit, Michigan's Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code
5.	14	7/18/2013	Memorandum in Support of Statement of Qualifications Pursuant to Section 109(c) of the

			Bankruptcy Code
6.	438	8/19/2013	Objection To The City of Detroit's Eligibility To Obtain Relief Under Chapter 9 of the Bankruptcy Code filed by creditor Michigan Council 25 of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Affidavit/Declaration of Steven Kreisberg; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit A; Exhibit B; Exhibit C)
7.	453	8/19/2013	Notice of Constitutional Challenge to Statute Pursuant to Rule 9005.1 of the Federal Rules of Bankruptcy Procedure filed by creditor Michigan Council 25 of The American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees
8.	484	8/19/2013	Joinder of Local 324, International Union of Operating Engineers as interested party to Objections to Detroit's Eligibility for Relief Under Section 109(c) and 921(c) of the Bankruptcy Code

9.	486	8/19/2013	Joinder of Local 517M, Service Employees International Union as interested party to Objections to Detroit's Eligibility for Relief Under Sections 109(c) and 921(c) of the Bankruptcy Code
10.	495	8/19/2013	Objection to Eligibility to Chapter 9 Petition filed by creditor David Sole (Attachments: Index of Exhibits; Exhibit 1; Exhibit 2)
11.	497	8/19/2013	Objection filed by interested party Detroit Retired City Employees Association, Shirley V. Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V. Lightsey, Donald Taylor (Attachments: Index of Exhibits; Exhibit A – Declaration of Shirley V. Lightsey in Support of Consolidated Objection of the Retiree Association Parties to Eligibility; Exhibit B – Declaration of Donald Taylor in Support of Consolidated Objection of the Retiree Association Parties to Eligibility)
12.	502	8/19/2013	Objection to Eligibility to Chapter 9 Petition filed by interested parties Detroit Retired City Employees Associations, Shirley V. Lightsey,

			Retired Detroit Police and Fire Fighters Association, Donald Taylor, Creditors Shirley V. Lightsey, Donald Taylor (Attachments: Index of Exhibits; Exhibit A – Declaration of Shirley V. Lightsey; Exhibit B – Declaration of Donald Taylor)
13.	505	8/19/2013	Corrected Objection to Eligibility to Chapter 9 Petition filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12; Exhibit A; Exhibit B; Exhibit C)
14.	509	8/19/2103	Corrected Objection to Eligibility to Chapter 9 Petition Kreisberg Declaration filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees (Attachments: Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Exhibit 10; Exhibit 11; Exhibit 12;

			Exhibit A; Exhibit B; Exhibit C)
15.	512	8/19/2013	Objection to Eligibility to Chapter 9 Petition, Brief in Support, filed by creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association (Attachments: Exhibit A – Declaration of Mark Diaz; Exhibit A-1 (Part 1) Award; Exhibit A-1 (Part 2); Exhibit A-1 (Part 3); Exhibit A-2 Interim Award; Exhibit B - McNamara Declaration and Ex 1 and 2; Exhibit C – Young Declaration; Exhibit D – Gurewitz Declaration)
16.	514	8/19/2013	Objection by Interested Party Center for Community Justice and Advocacy to the City of Detroit's Eligibility to Obtain Relief Under Chapter 9 of the Bankruptcy Code and to the City of Detroit's Memorandum in Support of Statement of Qualifications Pursuant to Section 109(c) of the Bankruptcy Code (Attachments: Index of Exhibits; Exhibit Ingham County Circuit Court Order dated July 19, 2013; Exhibit States Authorizing Chapter 9 Bankruptcy

			Filing)
17.	517	8/19/2013	Objection to Eligibility to Chapter 9 Petition filed by creditor Michigan Auto Recovery Service, Inc.
18.	519	8/19/2013	Objection of the Detroit Retirement Systems to the Eligibility of the City of Detroit, Michigan to Be a Debtor Under Chapter 9 of the Bankruptcy Code (Attachments: Exhibit List; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7-1; Exhibit 7-2)
19.	520	8/19/2013	Objection to Eligibility to Chapter 9 Petition filed by creditor Retired Detroit Police Members Association
20.	565	8/22/2013	Objection to Chapter 9 Bankruptcy filed by creditors Carl Williams, Hassan Aleem
21.	756	9/6/2013	Response to Eligibility Objections Raising Only Legal Issues filed by State of Michigan (Attachments: Exhibit 1; Exhibit 2)
22.	765	9/6/2013	City of Detroit Consolidated Reply to Objections to Entry of an Order for Relief
23.	805	9/10/2013	Objection to Eligibility to Chapter 9 Petition of the City of Detroit, Michigan to be a Debtor Under Chapter 9 of the Bankruptcy Code

			filed by Official Committee of Retirees
24.	918	9/17/2013	City of Detroit's Reply to the Objection of the Official Committee of Retirees to the Entry of an Order for Relief
25.	1085	10/4/2013	Supplemental Response to Eligibility Objections Raising Only Legal Issues filed by interested party State of Michigan
26.	1149	10/11/2013	Memorandum in Support of Constitutionality of Title 11 of the United States Code filed by interested party United States of America
27.	1156	10/11/2013	The Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees Amended Objection to the City of Detroit's Eligibility to Obtain Relief Under Chapter 9 of the Bankruptcy Code
28.	1159	10/11/2013	Declaration of Michael Artz filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees



29.	1162	10/11/2013	Declaration of Steven Kreisberg filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees
30.	1166	10/11/2013	Reply in Support of Objection of the Detroit Retirement Systems to the Eligibility of the City of Detroit, Michigan to Be a Debtor Under Chapter 9 of the Bankruptcy Code
31.	1169	10/11/2013	Amended Objection to Eligibility to Chapter 9 Petition, Brief in Support filed by creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association
32.	1174	10/11/2013	Supplemental Objection to Eligibility to Chapter 9 Petition filed by Official Committee of Retirees
33.	1175	10/12/2013	Declaration of Claude D. Montgomery in Support of Supplemental Objection filed by Official Committee of Retirees (Attachments: Exhibit A part 1; Exhibit A part 2; Exhibit A part 3; Exhibit A part 4; Exhibit A part 5;

			Exhibit B; Exhibit C; Exhibit D; Exhibit E)
34.	1220	10/17/2013	Exhibit filed by interested party State of Michigan (Attachments: COA 317292 Claim of Appeal; COA 317292 Ltr to Clerk; COA 317292 Ltr regarding bankruptcy stay; COA 317292 Order)
35.	1221	10/17/2013	Exhibit filed by interested party State of Michigan (Attachments: COA 317286 check list; COA 317286 Motion to Stay; COA 317286 Motion for Stay; COA 317286 Ltr. To Clerk; COA 317286 Emergency App Part 1; COA 317286 Transcript 7-18-13 hearing; COA 317286 Transcript 7-19-13 hearing; COA 317286 Order dated 7-23-13; COA 317286 statement regarding appeal bankruptcy stay; COA 317286 Order dated 7-29-13)
36.	1222	10/17/2013	Krystal A. Crittendon's Objections to the Petition Filed by One Kevyn D. Orr Seeking to Commence a Case Under Chapter 9 of Title 11 of the United States Code on Behalf of the City of Detroit, Michigan
37.	1227	10/17/2013	The Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City

			of Detroit Retirees Pretrial Brief Regarding the City of Detroit's Eligibility to Obtain Relief Under Chapter 9 of the Bankruptcy Code
38.	1228	10/17/2013	Supplemental Declaration of Michael Artz filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees
39.	1229	10/17/2013	Brief (pretrial) in Opposition to Eligibility filed by interest parties Detroit Retired City Employees Association, Shirley V. Lightsey, Retired Detroit Police and Fire Fighters Association, Donald Taylor
40.	1230	10/17/2013	Brief (Pre-Trial) Opposing Eligibility filed by creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association
41.	1231	10/17/2013	Retired Detroit Police Members Association's Pretrial Brief, Proposed Findings of Fact and Proposed Conclusions of Law (Attachments: Exhibit A; Exhibit B;

			Exhibit C)
42.	1240	10/17/2013	City of Detroit's Pre-Trial Brief (corrected) in (i) Support of Entry of an Order for Relief and (ii) Opposition to Objections Requiring the Resolution of Issues (Attachments: Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Exhibit G; Exhibit H; Exhibit I)
43.	1241	10/17/2013	Brief (Pretrial) in Opposition to Eligibility filed by Official Committee of Retirees
44.	1242	10/17/2013	Declaration in Support of Pre-Trial Brief in Opposition to Eligibility filed by Official Committee of Retirees (Attachments: Exhibit A; Exhibit B; Exhibit C; Exhibit D; Exhibit E; Exhibit F; Exhibit G; Exhibit H)
45.	1244	10/17/2013	Pre-Hearing Brief of the Detroit Retirement Systems in Support of Their Eligibility Objections Specifically Pursuant to Sections 109(c)(5) and 921(c) of the Bankruptcy Code
46.	1245	10/18/2013	List of Exhibits to Pre-Hearing Brief of the Detroit Retirement Systems in Support of Their Eligibility Objections Specifically Pursuant to

			Sections 109(c)(5) and 921(c) of the Bankruptcy Code (Attachments: Exhibit A; Exhibit B; Exhibit C – Part 1; Exhibit C – Part 2; Exhibit D)
47.	1354	10/24/2013	Amended Final Pre-Trial Order
48.	1428	10/28/2013	Addendum to Objections filed by creditors Hassan Aleem, Carl Williams
49.	1458	10/30/2013	Supplemental Brief filed by creditor David Sole (Attachments: Index of Exhibits; Exhibit 1; Exhibit 2)
50.	1462	10/30/2013	Supplemental Brief of the Retiree Association Parties on Eligibility
51.	1467	10/30/2013	Supplemental Brief Regarding Eligibility filed by Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees
52.	1471	10/30/2013	Supplemental Brief in Support of Objection to Eligibility filed by creditor Retired Detroit Police Members Association
53.	1472	10/30/2013	Supplemental Brief in Support of Objection of the Detroit Retirement Systems to the Eligibility of the City of Detroit, Michigan, to Be a Debtor Under Chapter 9 of the Bankruptcy

			Code
54.	1473	10/30/2013	Supplemental Brief in Support filed by creditors Detroit Fire Fighters Association, I.A.F.F. Local 344, Detroit Police Command Officers Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association
55.	1474	10/30/2013	Supplemental Brief Regarding Ripeness filed by Official Committee of Retirees
56.	1480	10/31/2013	Amendment to Objections filed by creditors Hassan Aleem, Carl Williams
57.	1547	11/6/2013	Supplemental Briefing on Eligibility filed by interested party State of Michigan (Attachments: Exhibit Index; Exhibit 1 – 11-16-2012 Order in COA #313297; Exhibit 2 – Board Order 2013-5)
58.	1556	11/6/2013	City of Detroit's Supplemental Brief in Support of Entry of an Order for Relief
59.	1560	11/6/2013	Supplemental Brief in Support of Constitutionality of Chapter 9 filed by interested party United States of America
60.	1584	11/8/2013	Transcript of November 5,

			2013Trial
61.	1605	11/8/2013	Transcript of November 4, 2013Trial
62.	1681	11/12/2013	Transcript of November 7, 2013Trial
63.	1695	11/13/2013	Supplemental Brief on Good Faith Negotiations filed by creditor Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees
64.	1698	11/13/2013	Brief Regarding "Good Faith Negotiations" filed by interested party State of Michigan
65.	1704	11/13/2013	Brief (on Good Faith Negotiations) filed by interested parties Detroit Retired City Employees Association, Retired Detroit Police and Fire Fighters Association
66.	1707	11/13/2013	Debtor's Memorandum Regarding Good Faith Under 11 U.S.C. Section 109(c)(5)(B), Labor Law, and 11 U.S.C. Sections 1113, 1114
67.	1711	11/13/2013	Supplemental Brief Regarding "Good Faith" Negotiations filed by creditors Detroit Fire Fighters Associations, I.A.F.F. Local 344, Detroit Police Command Officers

			Association, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association
68.	1717	11/14/2013	Memorandum Regarding Supplemental Authority filed by interested party State of Michigan (Exhibit 1 – Schimmel (12-2087) 11-8-2013 Order)
69.	1719	11/14/2013	Transcript of November 8, 2013 Trial
70.	1747	11/15/2013	Supplemental Order Regarding Second Amended Final Pre-Trial Order
71.	1947	12/5/2013	Transcript of Hearing (December 3, 2013 Bench Decision)

Respectfully submitted,

/s/ Matthew Schneider  
Matthew Schneider  
Chief Legal Counsel  
Attorney for State of Michigan  
P.O. Box 30754  
Lansing, Michigan 48909  
(517) 373-3203  
[SchneiderM7@michigan.gov](mailto:SchneiderM7@michigan.gov)  
[P62190]

Michigan Department of  
Attorney General

Dated: January 3, 2014