

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

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In re : Chapter 9  
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846  
Debtor. : Hon. Steven W. Rhodes  
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**DEBTOR’S FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
THE INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA**

Debtor submits the following requests for production of documents to the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (“UAW”) pursuant to this Court’s order of August 2, 2013 (DE #0280). All responsive documents are to be produced to Debtor’s counsel in accordance with the Instructions below, unless otherwise agreed by Debtor and UAW.

**DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions shall apply to Debtor’s requests for production:

1. “Retirement Systems” means the General Retirement System of the City of Detroit (“GRS”) and the Police and Fire Retirement System of the City of Detroit (“PFRS”), collectively.

2. “Document” shall be used in the broadest sense and includes, but is not limited to, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand, and whether sent or received or neither, and further includes any and every manner of information recordation, storage, transmission, or retrieval, including, but not limited to (a) typing, handwriting, printing, or any other form of writing or marking on paper or other material; (b) tape recordings, microfilms, microfiche, and photocopies; and (c) any electronic, magnetic, or electromagnetic means of information storage and/or retrieval, including, but not limited to, electronic mail and responsive attachments, optical storage media, computer memory chips, computer tapes, hard disks, compact discs, floppy disks, and any other storage medium used in connection with electronic data processing (together with the programming instructions and all other material necessary to understand or to use such tapes, disks, or other storage materials).

3. “Communication” includes every manner of transmitting or receiving facts, information, opinions, or thoughts from one person to another person, whether

orally, by documents, writing, e-mail, or copy thereof, and to words transmitted by telephone, radio, or any method of voice recording.

4. The word "person" means any natural or artificial person, including business entities and other legal entities

5. "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.

6. The use of the word "including" shall be construed to mean "without limitation."

7. Reference to the singular in any of these requests shall also include a reference to the plural, and reference to the plural shall include a reference to the singular.

8. "Related to" or "relating to" shall mean directly or indirectly supporting, evidencing, describing, mentioning, referring to, contradicting, comprising or concerning.

9. The documents requested herein shall be produced as they are kept in the usual course of business or shall be organized and labeled according to the number of the document request.

10. The duty to produce documents shall not be limited or affected by the fact that the same document is available through another source. All documents should

be produced which are not subject to an objection and are known by, possessed or controlled by, or available to UAW or any of its attorneys, consultants, representatives, employees, officers, directors, partners, or other agents.

11. In the event UAW asserts any form of objection or privilege as a ground for not answering a document production request or any part of a request, please set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the document, the balance of the document production should be answered in full. With respect to any document which is withheld on a claim of privilege, UAW shall provide, at the time its responses are due hereunder, a statement setting forth as to each such document the following information:

- a. the name(s) of the sender(s) of the document;
- b. the name(s) of the author(s) of the document;
- c. the name(s) of the person(s) to whom the document or copies were sent;
- d. the date of the document;
- e. a brief description of the nature and subject matter of the document; and

f. the nature of the privilege or the authority which is claimed to give rise to it.

12. If any documents requested have been destroyed, lost, mislaid, or are otherwise missing, please so state, specifying for each document or thing:

- a. the type of document;
- b. a description of the nature and contents of the document;
- c. the identity of the author;
- d. the circumstances under which it ceased to exist, was lost, mislaid or otherwise missing;
- e. the identity of all Person(s) having knowledge of the circumstances under which it ceased to exist, was lost, mislaid or otherwise missing; and
- f. the identity of all Person(s) who had knowledge of the contents.

13. Should you obtain any other documents or information which would supplement or modify the documents or information supplied by you in response to this request, you are directed, pursuant to Federal Rule of Civil Procedure 26(e), to give timely notice of such documents and information and to furnish the additional documents or information to Debtor without delay.

## Document Requests

1. All documents relating to the categories of membership in UAW, and the extent to which retired, former employees of the City of Detroit are eligible to be members of UAW.

RESPONSE:

2. All documents relating to the authority of UAW to act as the legal representative of retired, former employees of the City of Detroit.

RESPONSE:

3. All documents relating to the May 22, 2013, letter from UAW Local 2211 president Robyn Brooks (“Brooks”) to Brian Easley of Jones Day, attached as Exhibit 1, including but not limited to those relating to Brooks’ statement: “This Union does not . . . represent current retirees and has no authority to negotiate on their behalf.”

RESPONSE:

4. All documents relating to the May 22, 2013, letter from John Cunningham of UAW Region 1 to Brian Easley of Jones Day, attached as Exhibit 2, including but not limited to those relating to Mr. Cunningham's statement that UAW Local Nos. 412 and 212 "do not . . . represent current retirees and has no authority to negotiate on their behalf."

RESPONSE:

5. All documents relating to any feedback, criticism, reactions, proposals, or counterproposals made by UAW to the City of Detroit, between March 14, 2013, and July 19, 2013, in connection with a restructuring, reduction, modification, or elimination of any benefits, rights and features of the GRS, including but not limited to feedback, criticism, reactions, or counterproposals in response to the proposals the City of Detroit made respecting the GRS at each of the following meetings:

- a. The June 14, 2013, City of Detroit Proposal for Creditors;
  - b. The June 20, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations;
- and

- c. The July 11, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations.<sup>1</sup>

RESPONSE:

6. All documents relating to any feedback, criticism, reactions, proposals, or counterproposals made by UAW to the City of Detroit, between March 14, 2013, and July 19, 2013, in connection with a restructuring, reduction, modification, or elimination of any benefits, rights and features of the retiree health benefit programs covering then existing retirees, including but not limited to feedback, criticism, reactions, or counterproposals in response to the proposals the City of Detroit made respecting retiree health benefits each of the following meetings:

- a. The June 14, 2013, City of Detroit Proposal for Creditors;
  - b. The June 20, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations;
- and

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<sup>1</sup> The July 11, 2013, meeting was conducted pursuant to an agreement regarding Michigan Rule of Evidence and Federal Rule of Evidence 408. Accordingly, these document requests should not be read to include a requirement to disclose documents, to the extent any exist, produced or discussed at such meeting.



- c. The July 11, 2013, presentation by the City of Detroit's professional advisors to the Retirement Systems, unions, and retiree associations.

RESPONSE:

7. All documents relating to any agreement entered into by UAW with the City of Detroit in which UAW agreed to reduce, limit, or otherwise abridge the then existing health benefits provided by the City of Detroit to former employees who had already retired as of the effective date of the agreement.

RESPONSE:

8. All documents relating to any attempt prior to July 19, 2013 by UAW to obtain legal approval or form of legal authority from any existing retiree of the City of Detroit purporting to authorize UAW to legally bind them in connection with an agreement entered into by UAW to reduce, limit, or abridge the then existing health benefits provided by the City of Detroit to such retirees.

RESPONSE:

9. All documents relating to any agreement entered into by UAW with the City of Detroit in which UAW agreed to reduce, limit, or otherwise abridge the pension

rights or benefits – on a prospective basis only – provided to then existing retirees by the GRS.

RESPONSE:

10. All documents relating to any attempt prior to July 19, 2013 by UAW to obtain legal approval or form of legal authority from any existing retiree of the City of Detroit purporting to authorize UAW to legally bind them in connection with an agreement entered into by UAW to reduce, limit, or otherwise abridge the pension rights or benefits – on a prospective basis only – provided to then existing retirees by the Detroit General Retirement System.

RESPONSE:

11. All documents relating to any research, studies, or analysis conducted by, requested, reviewed, or received by UAW regarding the City of Detroit's financial health, including but not limited to, the City's cash flow, budgets, projected budgets, ability/inability to pay its debts when they become due, or ability/inability to provide civic services.

RESPONSE:

Dated: August 23, 2013

Respectfully submitted,

/s/ David G. Heiman

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Heather Lennox (OH 0059649)  
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ATTORNEYS FOR THE CITY OF DETROIT



# UAW LOCAL 2211

(Public Attorneys Association)

CAYMC • Detroit, Michigan 48226  
2 Woodward. Ave., Ste. 500



May 22, 2013

Brian West Easley  
Jones Day  
77 West Wacker  
Chicago, IL 60601-1692

Re: City of Detroit

Dear Mr. Easley:

Thank you for your letter of May 20, 2013, regarding the City of Detroit's restructuring efforts. I write to confirm that this Union – Local No. 2211 of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America ("UAW") – represents active employees, and thus future retirees, within its bargaining unit. This Union does not, however, represent current retirees and has no authority to negotiate on their behalf. On behalf of the active employees it does represent, I accept your invitation to participate in the discussions concerning health care and pension benefits. Because these issues are so vital to members, this Union requests bargaining with respect to any changes which the Emergency Manager (or City) might propose to make in those benefits. The Union requests the earliest possible dates for meeting, and proposes that the meetings be held at the Office of Labor Relations, on the third floor of the Coleman A. Young Municipal Center, where bargaining has taken place to date.

Please advise me of possible dates and location for our meeting at your earliest convenience.

Also, if the City has developed any proposals, potential options, or possible modifications to health care or pension plans applicable to this bargaining unit, please advise and provide me with a copy of same in advance of our meeting. Also in advance of our meeting, please provide documents showing any calculations relating to health care costs and pension costs (both present and future) as well as the assumptions upon which the calculations are based.

Sincerely,

A handwritten signature in black ink that reads "Robyn Brooks".

Robyn Brooks  
President

cc: Jack Dietrich  
Lamont Satchel

**REGION 1**

27800 George Merrelli Drive  
Warren, MI 48092

**EXHIBIT 2**



**INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW**

BOB KING, *PRESIDENT*

DENNIS D. WILLIAMS, *SECRETARY-TREASURER*

VICE-PRESIDENTS: JOE ASHTON • CINDY ESTRADA • GENERAL HOLIEFIELD • JIMMY SETTLES

CHARLES E. HALL  
DIRECTOR, UAW REGION 1

May 22, 2013

Mr. Brian West Easley  
Jones Day  
77 W. Wacker  
Chicago, IL 60601-1692

RE: City of Detroit

Dear Mr. Easley:

Thank you for your letter of May 20, 2013, regarding the City of Detroit's restructuring efforts. I am writing to confirm that Local No. 412 and Local No. 212 of the International Union, United Automobile, Aerospace and Agricultural Implement workers of America ("UAW") represent active employees, and thus future retirees, within their bargaining units. These locals do not, however, represent current retirees and have no authority to negotiate on their behalf. On behalf of the active employees we do represent, I accept your invitation to participate in discussions concerning healthcare and pension benefits. Because these issues are so vital to members, the locals request bargaining with respect to any changes which the Emergency Manager (or city) might propose to make in those benefits. We request the earliest possible dates for meeting, and propose that the meetings be held at the Office of Labor Relations on the third floor of the Coleman A. Young Municipal Center, where bargaining has taken place to date.\*

Please advise me of possible dates and location of our meeting at your earliest convenience.

Also, if the city has developed any proposals, potential options or possible modifications to healthcare or pension plans applicable to this bargaining unit, please advise and provide me with a copy of same in advance of our meeting. Any calculations regarding healthcare and pension costs (both present and future) are likewise requested.

Sincerely,

John Cunningham  
International Representative  
UAW Region 1

JC:ja/opeiu494

cc: Tony Feyers, UAW Region 1  
Jeff Hagler, UAW Local 412  
Jeff Jarema, UAW Local 212  
Gloria Morgan, UAW Region 1  
Frank Stuglin, UAW Region 1

\*Your letter made reference to UAW Local 414 – apparently a typographical error. Please be advised that it is Local No. 412 which represents legal assistants.