

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

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

**DETROIT RETIREMENT SYSTEMS' FIRST SET OF
INTERROGATORIES DIRECTED TO THE
CITY OF DETROIT, MICHIGAN**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, as made applicable by Rules 7026, 7033, and 9014(c) of the Federal Rules of Bankruptcy Procedure, the Police and Fire Retirement System of the City of Detroit (“PFRS”) and the General Retirement System of the City of Detroit (“GRS,” and together with PFRS, the “Retirement Systems”) request that the City of Detroit, Michigan answer the following interrogatories under oath:

A. DEFINITIONS

1. **“Accrued Financial Benefits”** shall have the same meaning as ascribed to that term in Article IX, section 24 of the Michigan Constitution.
2. **“Bankruptcy Code”** means title 11 of the United States Code, 11 U.S.C. § 101, *et seq.*

3. “**Bankruptcy Recommendation**” means the letter attached as Exhibit J to the Orr Declaration (defined below) delivered on or about July 16, 2013 to the Governor (defined below) and Andy Dillon, the Treasurer of the State of Michigan, recommending, pursuant to section 18(l) of PA 436 (defined below) that the City of Detroit, Michigan be authorized to file a case under Chapter 9 of the Bankruptcy Code.

4. “**Chapter 9 Case**” means the bankruptcy case commenced by the City of Detroit, Michigan, pursuant to chapter 9 of the Bankruptcy Code, in the United States Bankruptcy Court for the Eastern District of Michigan, case number 13-53846.

5. “**City**” means the City of Detroit, Michigan, and, as applicable, its officers, employees, representatives, attorneys, advisors, and/or agents.

6. “**Communications**” is used in the broadest sense and means any transmission of information from one Person (defined below) to another Person, by any means.

7. “**Document**” means all Communications, all writings of any nature or any medium upon which intelligence or information can be recorded, maintained or retrieved, including, without limitation, any correspondence, book, pamphlet, periodical, letter, e-mail, memorandum (including any memorandum or report of a meeting or conversation), contract, agreement, study, report, analysis, invoice, bill,

time sheet, time cards, expense voucher, receipt, book of account (including cash disbursement journal, cash receipt journal, income statement or reconciliation statement), financial statement, order form, record, bond, requisition, plan, drawing, specification, sound recording, minutes, diary, bylaws, articles of incorporation, calendar, telegram, message, handwritten note, draft working paper, photostat, microfilm, film, photograph, comparison, print, graph, drawing, sketch, chart, summary, data sheet, data processing card, tape, advertisement, and any other written, recorded, transcribed, punched, taped, filmed, or graphic, photographic, or electronic matter of any kind or nature (including marginal comments appearing on any documents or any other writing), however produced or reproduced, and any computer records (including any information on hardware or software).

8. “**Eligibility Objection**” means the 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 filed in this Chapter 9 Case [Docket No. 519].

9. “**Emergency Manager**” means Kevyn D. Orr, the emergency manager for the City pursuant to PA 436.

10. “**Governor**” means Richard D. Snyder, Governor of the State of Michigan.

11. “**Governor’s Authorization**” means the letter, attached as Exhibit K to the Orr Declaration, sent by the Governor to the Emergency Manager purporting to authorize the Emergency Manager to commence the Chapter 9 Case on behalf of the City.

12. “**GRS**” means the General Retirement System of the City of Detroit, and its agents and representatives.

13. “**Identify the evidence**” means identify all evidence relating to the specific subject identified in the request. If the evidence includes Documents, identify all such Documents, as defined above. If the evidence includes verbal statements, state fully and with particularity the substance of each statement, when it was made, and the identity of the person who made it and the person or persons to whom it was made. If the evidence includes physical objects, describe the objects fully and with particularity and identify the person(s) whom, to your knowledge, has/have custody or control of the object(s). If the evidence consists of testimony that one or more witnesses saw or heard something, identify the witness(es) and describe fully and with particularity what each person saw or heard.

14. “**Identify a Person**” means (a) with respect to a human being, identify (i) him/her by name; (ii) his/her employer and his/her job title at the time to which the interrogatory or request relates; (iii) his/her present employer and job title; and

(iv) give his/her present street and email addresses and telephone number if known to you; and (b) with respect to a corporation, partnership, or other legal entity, identify (i) the entity's legal name; (ii) the address of its principal place of business, and state when and where it was incorporated or organized.

15. “**Identify a Document**” means identify (i) the type of record or writing (such as journals, ledgers, memoranda, or the like); (ii) its contents; (iii) its date; (iv) the period of time to which it relates; (v) its author and addressee(s) and other recipients; and (vi) the Person who has custody or control of it.

16. “**Orr Declaration**” means the 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 filed in the Chapter 9 Case [Docket No. 11].

17. “**PA 436**” means Michigan’s Public Act 436, the Local Financial Stability and Choice Act, M.C.L. § 141.1541, *et seq.*

18. “**Person**” means a natural person, a partnership, a corporation, an unincorporated association, a professional association, or other form of entity.

19. “**Petition Date**” means July 18, 2013.

20. “**PFRS**” means the Police and Fire Retirement System of the City of Detroit, and its agents and representatives.

21. “**Request for Admission**” means each and every request for admission directed to the City through the Detroit Retirement Systems’ First Requests for Admission Directed to the City of Detroit, Michigan.

22. “**Restructuring Proposal**” means the City of Detroit Proposal for Creditors dated June 14, 2013.

23. “**Retirement Systems**” means the GRS together with the PFRS.

24. “**You**” or “**your**” means the City and, as applicable, its officers, employees, representatives, attorneys, and/or agents of each of them.

25. **Miscellaneous.** Terms not otherwise defined herein shall have the meanings ascribed to them in the Bankruptcy Code. The singular includes the plural; the plural includes the singular; the masculine gender includes the feminine and neuter genders; the feminine gender includes the masculine and neuter genders; the neuter gender includes the masculine and feminine genders. “Including” is used in the sense of specification and is not to be construed as a word of limitation. “Relating to” and “regarding” mean in any way concerning or referring to, consisting of, respecting, involving, or otherwise connected with the subject matter of the information request; for a Document, this means the negotiation, drafting, execution and termination of the Document. “And” as well as “or” shall be construed either disjunctively or conjunctively as necessary to bring within the

scope of this discovery any information which might otherwise be construed to be outside of its scope.

B. INSTRUCTIONS

1. This First Set of Interrogatories (the "Interrogatories") is to be read, interpreted, and answered in accordance with the Instructions and Definitions, and pursuant to the Federal Rules of Civil Procedure.

2. These Interrogatories are continuing in nature so as to require additional or supplemental responses if further information is obtained after the initial response is served. Such additional or supplemental responses shall be served promptly after such additional information is received. Objection will be made to the use and introduction into evidence of any information not previously and timely provided in response to the Interrogatories and to the testimony of any witness not previously and timely identified in response to the Interrogatories.

3. If you object to any Interrogatory, whether in whole or in part, state the nature of the objection and the grounds for the objection with sufficient specificity to permit determination of the basis of such objection. Respond to any and all parts of that Interrogatory to which no objection is asserted.

4. In answering the Interrogatories, you are required to furnish all information, however obtained, including hearsay, that is available to you,

including information in your actual or constructive possession or control, or in that of your attorneys or agents.

5. If any Interrogatory cannot be answered completely and fully, the Interrogatory shall be answered to the extent possible, and the nature of the answer's deficiency shall be stated with particularity.

6. Each answer shall clearly indicate the Interrogatory number and subpart to which it responds, and every subpart of every Interrogatory shall be answered individually.

7. When referring to a Document or other report in lieu of answering an interrogatory, you must specify with sufficient detail the Document(s) from which the requested information may be ascertained.

C. CLAIMS OF PRIVILEGE

If you claim that any communication is privileged or that the disclosure of information is protected by the work-product doctrine, then, for each such claim, you must identify (1) the specific privilege and/or protection claimed; (2) the communication and/or answer as to which the claim of privilege and/or protection is made; (3) the parties to the communication; (4) the general subject matter of the communication; and (5) the basis for your claim.

D. RESERVATION OF RIGHTS

The Retirement Systems reserve the right to serve additional interrogatories after receiving the City's response to the Retirement Systems' Eligibility Objection, due on September 6, 2013.

E. INTERROGATORIES

1. Identify each witness that you intend to call to testify at any evidentiary hearing regarding the City's eligibility to be a debtor under chapter 9 of the Bankruptcy Code. As to each witness, state the anticipated testimony to be offered by that witness.

ANSWER:

2. Identify each expert witness, testifying or consulting, retained by the City, or any expert witness the City anticipates utilizing in the future, including but not limited to, any expert who will offer rebuttal testimony, in connection with any disputes and hearings regarding the City's eligibility to be a debtor under Chapter 9 of the Bankruptcy Code.

ANSWER:

3. Identify all Persons with knowledge regarding the City's responses to these Interrogatories, and, as to each such Person, summarize that knowledge.

ANSWER:

4. Identify each Person who provided information relating to the City's responses to, or who otherwise participated in formulating your responses to, these Interrogatories, the Detroit Retirement Systems' First Set of Requests for Production of Documents Directed to the City of Detroit, Michigan, and the Detroit Retirement Systems' First Requests for Admission Directed to the City of Detroit, Michigan, and for each such person (except your attorney) specify the request(s) in response to which the Person provided information or otherwise participated in preparing the response.

ANSWER:

5. If you have not unequivocally admitted each Request for Admission, then:

(a) specify by number which Requests for Admission you are referring to and state in detail the reason(s) why you did not unequivocally admit any of the Requests for Admissions;

- (b) identify the evidence that provides a basis for your failure to unequivocally admit any of the Requests for Admission;
- (c) identify all Documents that provide a basis for your failure to unequivocally admit any of the Requests for Admission; and,
- (d) identify all Person(s) who have or may have knowledge or information concerning the reason(s) why you failed to unequivocally admit any of the Requests for Admission

ANSWER:

6. Except for such compensation as is identified in the Emergency Manager's contract posted on the State Treasury Department's website pursuant to section 9(3)(e) of PA 436, identify in detail all items of income or other compensation received or anticipated to be received by the Emergency Manager during or incident to his employment as emergency manager under PA 436, including, but not limited to, "private funds" as defined in section 9(3)(f) of PA 436, third-party payments, bonuses, payment in kind, loans, and any perquisites, and identify in detail the source of each and every such item of compensation.

ANSWER:

Respectfully submitted,

CLARK HILL PLC

/s/ Robert D. Gordon

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Dated: August 23, 2013

Counsel to the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit

EXHIBIT A

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

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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CERTIFICATE OF SERVICE

The undersigned certifies that on August 23, 2013, the Detroit Retirement Systems' First Set of Interrogatories Directed to the City of Detroit, Michigan was filed using the Court's CM/ECF system, which CM/ECF system will send notification of such filing to all parties of record.

CLARK HILL PLC

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Dated: August 23, 2013

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the City of Detroit and the General Retirement
System of the City of Detroit*