

**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
	)
	) <b>Expedited Consideration</b>
	) <b>Requested</b>

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**THE OBJECTORS' *EX PARTE* MOTION FOR AN ORDER  
SHORTENING THE NOTICE PERIOD AND SCHEDULING AN  
EXPEDITED HEARING WITH RESPECT TO THE OBJECTORS'  
MOTION *IN LIMINE* TO PRECLUDE DEBTOR FROM OFFERING  
EVIDENCE REGARDING THE LIKELIHOOD OF SUCCESS,  
COMPLEXITY, AND EXPENSE OF CLAIMS THE CITY SEEKS TO  
SETTLE WITH THE FORBEARANCE AND OPTIONAL TERMINATION  
AGREEMENT**

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The Objectors<sup>1</sup> submit this *Ex Parte* Motion for an Order Shortening the Notice Period and Scheduling an Expedited Hearing With Respect to the Objectors' Motion *in Limine* to Preclude Debtor from Offering Evidence Regarding the Likelihood of Success, Complexity, and Expense of the Claims the City Seeks to Settle with the Forbearance and Optional Termination Agreement (the "Motion *in Limine*") and respectfully represent as follows:

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<sup>1</sup> This motion is joined by Syncora Capital Assurance and Syncora Guarantee Inc., Erste Europäische Pfandbrieffund Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A., DEPFA Bank PLC, Retiree Association Parties, Retired Detroit Police Members Association, Ambac Assurance Corporation, National Public Finance Guarantee Corporation, Assured Guaranty Municipal Corp., Financial Guaranty Insurance Company, the Police and Fire Retirement System of the City of Detroit and the General Retirement System of the City of Detroit, and the Official Committee of Retirees.

## **Jurisdiction and Venue**

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

## **Relief Requested and Basis for Relief**

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R. Bankr. P. 9006(c); E.D. Mich. LBR 9006-1(b).

3. The Objectors respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Motion *in Limine* and schedule an expedited hearing on the Motion *in Limine* for September 24, 2013 at 9:00 a.m., prior to the hearing on the Motion of Debtor for Entry of an Order (I) Authorizing the Assumption of that Certain Forbearance and Optional Termination Agreement Pursuant to Section 365(a) of the Bankruptcy Code, (II) Approving Such Agreement Pursuant [to] Rule 9019, and (III) Granting Related Relief (the “Assumption Motion”).

4. Contemporaneously with the filing of this *Ex Parte* Motion, the Objectors filed the Motion *in Limine*. The Motion *in Limine* seeks the entry of an order precluding the Debtor (the “City”) from introducing evidence regarding the likelihood of success, complexity, and expense of claims the City seeks to settle in

its Forbearance and Optional Termination Agreement (the “Forbearance Agreement”) at the hearing on the Assumption Motion.

5. The hearing on the Assumption Motion is scheduled for September 24, 2013 from 9:00 a.m. to 3:00 p.m. pursuant to this Court’s September 17, 2013 Order Adjourning Hearings [Docket No. 917]. Cause exists to shorten the notice period because the scheduled hearing on the Assumption Motion is in less than 14 days.

6. The Objectors will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

### **Conclusion**

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 this Court deems appropriate.

*[Remainder of this page intentionally left blank]*

Dated: September 18, 2013

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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
	)	
Debtor.	)	Hon. Steven W. Rhodes
	)	

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**ORDER GRANTING THE OBJECTORS' EX PARTE MOTION FOR AN  
ORDER SHORTENING THE NOTICE PERIOD AND SCHEDULING AN  
EXPEDITED HEARING WITH RESPECT TO THE OBJECTORS'  
MOTION *IN LIMINE* TO PRECLUDE DEBTOR FROM OFFERING  
EVIDENCE REGARDING THE LIKELIHOOD OF SUCCESS,  
COMPLEXITY, AND EXPENSE OF CLAIMS THE CITY SEEKS TO  
SETTLE WITH THE FORBEARANCE AND OPTIONAL TERMINATION  
AGREEMENT**

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This matter having come before the Court on the motion (the “*Ex Parte* Motion”) of the Objectors for the entry of an order shortening the notice period and scheduling an expedited hearing on the Objectors’ Motion *in Limine* to Preclude Debtor from Offering Evidence Regarding the Likelihood of Success, Complexity, and Expense of Claims the City Seeks to Settle with the Forbearance and Optional Termination Agreement, the Court having reviewed the Objectors’ 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’ *Ex Parte* Motion is GRANTED.
2. The hearing with respect to the Objectors’ Motion *in Limine* shall be held on September 24, 2013, at 9:00 a.m. before Hon. Steven Rhodes in Courtroom 100, U.S. Courthouse, 231 W. Lafayette, 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.**

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STEVEN W. RHODES  
United States Bankruptcy Judge