

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

In re: City of Detroit, Michigan, Debtor.

Bankruptcy Case No. 13-53846
Honorable Thomas J. Tucker
Chapter 9

**REPLY IN SUPPORT OF DEBTOR'S
THIRTY-SECOND OMNIBUS OBJECTION TO CERTAIN CLAIMS**
(INSUFFICIENT DOCUMENTATION)

The City of Detroit ("City"), by its undersigned counsel, files this reply in support of its *Thirty-Second Omnibus Objection to Certain Claims* ("Objection," Doc. No. 10788), stating as follows:

1. On February 26, 2016, the City filed its Objection. Only one individual filed a response to the Objection that needs to be considered at this time:¹

- (a) Response filed by Debra Ann Martin [Doc. No. 10848] ("Martin Response"). Martin's proof of claim and his response to the Objection are attached as Exhibits 1 and 2.

Martin Response

2. The Martin Response should be overruled. The Objection stated that Martin's proof of claim lacked any documentation showing that the City owed her

¹ Additional responses were filed, but all other responses were either stricken for filing deficiencies or will be handled via a separate procedure recently approved by the Court. [Doc. No. 10941.]

the \$15,000 she claims.² Her proof of claim merely states “Financial Loss” or possibly “Wage Loss” without explaining the source of this loss. Ex. 1. In response to the Objection, she writes “I Debra Martin had \$15,000.00 was taken [sic] away from me & I want to know will I ever receive any of my money. I work for the City of Detroit Water and Sewerage Department.” Ex. 2. Neither filing constitutes documentation evidencing any claim against the City at all, much less a claim in the amount of \$15,000. The Objection to this claim should be sustained.

CONCLUSION

For these reasons, the City asks the Court to overrule the Martin Response and sustain the City’s Objection to this claim.

Dated: March 24, 2016

By: /s/ Marc N. Swanson
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STONE, P.L.C.
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Detroit, Michigan 48226
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and

² Indeed, Federal Rule of Bankruptcy Procedure 3001(c)(1) notes that a claim based on writings must be filed with the documentation supporting it.

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ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1

In its List of Claims, the City listed your claim as a contingent and unliquidated unsecured claim in an unknown amount. To determine if you need to file a claim, please refer to the enclosed Information About Deadlines to File Claims.

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN		CHAPTER 9 PROOF OF CLAIM
Name of Debtor: <u>City of Detroit, Michigan</u>		Case Number: <u>13-53846</u>
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): <u>Martin, Debra A</u>		<div style="font-size: 2em; font-weight: bold; opacity: 0.5;">FILED</div> <div style="font-size: 0.8em; margin-top: 10px;">COURT USE ONLY</div> <div style="font-size: 0.8em; margin-top: 5px;"> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. </div> <div style="font-size: 0.8em; margin-top: 5px;"> Court Claim Number: _____ </div> <div style="font-size: 0.8em; margin-top: 5px;"> Filed on: _____ </div> <div style="font-size: 0.8em; margin-top: 10px;"> <input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. </div> <div style="font-size: 1.5em; font-weight: bold; opacity: 0.5; margin-top: 5px;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 5px;">FEB 17 2014</div> <div style="font-size: 0.8em; margin-top: 5px;">KURTZMAN CARSON CONSULTANTS</div>
Name and address where notices should be sent: NameID: 11533900 <u>Martin, Debra A</u> <u>9247 Ashton Ave</u> <u>Detroit, MI 48228-1805</u>		
Telephone number: _____ email: _____		
Name and address where payment should be sent (if different from above): Telephone number: _____ email: _____		
1. Amount of Claim as of Date Case Filed: \$ <u>15,000.00</u>		
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a		
2. Basis for Claim: <u>Financial Loss</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>[REDACTED]</u>	3a. Debtor may have scheduled account as: <u>Wage Loss</u> (See instruction #3a)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____		
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
8. Signature: (See instruction # 8) Check the appropriate box.		
<input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.)		
I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.		
Print Name: <u>Debra A. Martin</u>		<u>Debra Martin</u> (Signature)
Title: <u>Offc Asst II</u>		
Company: <u>City of Detroit</u>		<u>2-13-14</u> (Date)
Address and telephone number (if different from notice address above): <u>2 Woodward Ave</u>		
Telephone number: <u>313-909-4191</u> email: <u>48226</u>		

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

EXHIBIT 2

United States Bankruptcy Court

FILED (I)

Easter District Of Michigan

2016 MAR 18 P 1:21

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

In re Debra Martin
Debtor

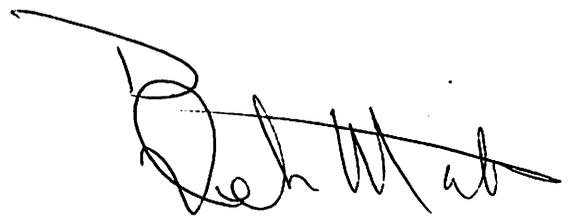
Case No. 13-53846

Chapter #9

I'm responding to A objection, 32nd
1016 my claim 3-18-16

To whom It May concern in my case
13-5386

I Debra Martin had 15000.00
was taken away from me & I want to know will
I ever ~~receive~~ receive any of my money.
I work for the City of Detroit Water and Sewerage
Department


19163 Gable
Det MI 48234

313-575-5782

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE:

CASE NO: 13-538-46
CHAPTER: 9

City of Detroit Debtor.

FILED (11)
2016 MAR 18 P 1:21
U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

CERTIFICATE OF SERVICE

I hereby certify that on 3-18-16 (date of mailing), I served

copies as follows:

1. Document(s) served:

Response to Objection 32nd

2. Served upon [name and address of each person served]:

City of Detroit
Marce N. Swanson
Miller, Confield, Paddock and Stone PLLC
150 West Jefferson Suite 2500
Detroit Michigan 48226

Charles N. Rain (2974)
Deputy Deputy Corporation
Consel
City of Detroit Law
200 Woodward Ave
Suite 500
Coleman Young Municipal
Detroit Mich 48226

3. By First Class Mail.

Dated: 3-18-16

[Signature]
(Signature)

Print Name: Debra Mackin