

Darrell S. Carrington – 2440
20014 Strathmoor
Detroit, MI 48235
313 -682-3126
crrngtn@aol.com

FILED

2016 AUG 30 P 3:46

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

Clerk of the Court
United States Bankruptcy Court
211 W. Fort Street
Suite 2100
Detroit, MI 48226

August 29, 2016

RE: Motion for Reconsideration of the order# 11477 Granting Stipulation for Resolution of Objection to Claim number 2440 filed by Warren Duncan

Dear United States Bankruptcy Court:

I would like request a motion for Reconsideration of the order# 11477 granting stipulation for resolution of objection to claim number 2440 Acceptance of Bankruptcy Offer filed by Creditor Darrell S. Carrington Claim- # 2440- Case No. 13-53846.

I would like to Request/ Motion for like to submit this Request/Motion for Reconsideration of Acceptance of Bankruptcy Offer filed by Creditor Darrell S. Carrington Claim- # 2440- Case No. 13-53846.

The Creditor is asking the Court to reconsider the Creditor's decision to accept the settlement offer from the Debtor, the City of Detroit.

The Creditor is asking the Court to review new evidence that was not considered when the Creditor made its decision.

The Creditors states that the settlement offer was made to the Creditor under false pretenses and without disclosing the new evidence that the Debtor had available and was not made in good faith. The Creditor asserts that the Debtor, the City of Detroit, withheld this information regarding the Creditor's bankruptcy claim to the Debtor's benefit.

The Creditor asserts that the City of Detroit did not disclose the additional fiscal years that the Creditor may claim for this action.

The Creditor asserts that when it signed the acceptance offer the Creditor was only considering and accepting the offer as it pertained to the Creditor's claim as submitted in 2012.

The Creditor has discovered that the Creditor's Claim may and should include the fiscal years of 2013-14 and 2014-15.

The fiscal years of 2013-14 and 2014-15 should be included as part of the Creditor's claim since the Creditor has continued to be employed by the Debtor during this time of the bankruptcy court action.

The Creditor should have the opportunity to amend its claim calculation to include these years.

The Creditor states that when it signed the acceptance offer it was not including the additional fiscal years that it may claim and would like those years to remain in the bankruptcy action.

The Creditor has attached its amended claim calculation for the Court's review.

The Creditor would like to assert this need to correct and clear the error, and to prevent injustice on part of the Debtor.

Based on these arguments, the Creditor should have opportunity to have its claim heard

Sincerely,



Darrell S. Carrington

Cc: Marc N. Swanson, Miller, Canfield, Paddock and Stone Plc.

Founded in 1852
by Sidney Davy Miller

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August 10, 2016

Darrell Carrington
20014 Strathmoor
Detroit, MI 48235

Re: City of Detroit Bankruptcy Case No: 13-53846
Your Proof Of Claim No: 2440

Dear Mr. Carrington:

As you are aware, your Proof Of Claim as indicated above is currently pending before the Bankruptcy Court. As stated in Paragraph 2 of the Court's Order of June 24, 2016, the Court has set a hearing for August 31, 2016 on the City's objections to your Claim. A copy of that Order was previously sent to you and is enclosed for your convenience.

In advance of the August 31, 2016 hearing, we are authorized to resolve your Claim in the amount \$1,195.00, which you will receive as a cash payment as permitted by the confirmed Plan of Adjustment in this matter dated October 22, 2014.

The City has arrived at this figure as follows: Your Claim asserts a 10% reduction to your salary covered by a grant as well as other losses or reductions in benefits. However, the grant under which you were employed covered only your salary. All other parts of your compensation, such as benefits, were at the City's cost.

The salary and benefit reductions alleged in your Claim resulted from the lawful imposition of City Employment Terms ("CETs"). The City has objected to all Claims based on losses incurred as a result of CETs because the City was legally authorized to impose the CETs. The City has determined, however, that because your Claim is based on a reduction in a grant-funded salary, an appropriate amount may be allowed on your Claim.

The City's review of your Claim indicates a 10% salary reduction for one year prior to the bankruptcy, or \$4,780.00. This is therefore the "allowed amount" of your Claim. Under the Plan of Adjustment, such allowed amounts are not paid out in cash, but are paid in "B Notes". The Plan of Adjustment Disclosure Statement estimates the percentage recovery in B Notes on allowed amounts under claims such as yours at 10-13%. However, because the allowed amount on your Claim is less than \$25,000.00, the Plan of Adjustment treats your Claim as a "Class 15

Convenience Claim,” under which the City may offer a cash payment of 25% of the allowed amount. The City therefore offers the amount of \$1,195.00, which is 25% of your allowed amount, in full and final resolution of your Claim.

This letter also includes a Stipulation For Resolution Of Objection to your claim and a proposed Order to be filed with the Court (attached as Exhibit 1 to the Stipulation). If you are in agreement with the above amount, please sign the Stipulation and *have it notarized*. By signing the Stipulation, you are agreeing to the following: (1) the cash payment amount stated in this letter and in the Stipulation; (2) that the amount stated in this letter and the Stipulation fully and finally resolves your Proof of Claim, and (3) that an order may be entered by the Court approving the stipulation and full and final resolution of your claim by this amount. The proposed Order attached as Exhibit 1 to the stipulation will then be entered by the Court to resolve your Claim.

If you are in agreement with this resolution, please return the signed stipulation to me at the above address no later than Wednesday, August 24, 2016.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: _____

John H. Willems

JHW/jw

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

City of Detroit, Michigan,
Debtor.

Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING CITY OF DETROIT'S *EX PARTE* MOTION FOR AN
ORDER ADJOURNING HEARING ON CERTAIN RESPONSES FILED TO
THE CITY'S FORTY-FOURTH AND FORTY-FIFTH
OMNIBUS OBJECTIONS TO CLAIMS**

This case is before the Court on the *City of Detroit's Ex Parte Motion for an Order Adjourning Hearing on Certain Responses Filed to the City's Forty-Fourth and Forty-Fifth Omnibus Objections to Claims* (Docket # 11255, the "*Ex Parte Motion*"). The Court, having reviewed the *Ex Parte Motion* and having found that notice of the *Ex Parte Motion* was sufficient under the circumstances; having determined after due deliberation that the relief requested in the *Ex Parte Motion* is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS ORDERED THAT:

1. The *Ex Parte Motion* is granted.
2. To the extent that the responses filed by the following individuals (collectively, the "Grant Claimants") are not stricken for uncured filing

deficiencies, the hearing on those responses, currently set for June 15, 2016 at 1:30 p.m., is adjourned to August 31, 2016 at 1:30 pm.:

Dinah L. Bolton	Gerhard Eady	Marlene Y. Robinson
Gueelma Brown	Jacqueline M. Jackson	Anthony Derrick Smith
Fern Clement	George A. Kaw	Hope Strange
Stephanie Crews	Kim McCoy	Randall Thomas
Brenda L. Davis	Sandra O'Neal	Ranna K. Trivedi
Michelle Duff	Diane L. Onuigbo	Darrell S. Carrington
Warren T. Duncan	Diana Lynn Patillo	

3. The City must serve this Order on the Grant Claimants in such a fashion that the Order is actually received by the Employee Obligation Claimants no later than Monday, June 13, 2016.

Signed on June 10, 2016

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE: CITY OF DETROIT, MICHIGAN

CASE NO: 13-53846
CHAPTER: 9

Darrell S. Carrington Debtor.

CERTIFICATE OF SERVICE

I hereby certify that on AUGUST 30, 2016 (date of mailing), I served

copies as follows:

1. Document(s) served:
Motion for Reconsideration of the order# 11477 Granting Stipulation for Resolution of Objection to Claim number 2440 filed by Darrell S. Carrington
2. Served upon [name and address of each person served]:
Marc N. Swanson
150 W. Jefferson, Suite 2500
Detroit, MI 48226
313-496-7591
swansonm@millercanfield.com
3. By First Class Mail.

2016 AUG 30 P 3:46
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

FILED

Dated: 8/30/2016

Darrell S. Carrington
(Signature)

Print Name: DARRELL S. CARRINGTON