

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

Case No. 13-53846

City of Detroit, Michigan,

Debtor.

**MOTION FOR ORDER GRANTING RELIEF FROM STAY
FOR LIMITED PURPOSE OF HEARING ISSUES ON APPEAL**

NOW COMES Jerome Moore, Plaintiff-Appellant in the Michigan Court of Appeals, Case No. 310920, by his attorneys, Jerome D. Goldberg, PLLC, and for his Motion for Relief from the Automatic Stay for the limited purpose of allowing oral argument in this appeal to proceed and so the Michigan Court of Appeals can render its decision in this case, states as follows:

1. Jerome Moore filed his employment discrimination case alleging race and age discrimination against the City of Detroit and the Southeastern Michigan Health Association (SEMHA) in Wayne County Circuit Court, Case No. 10-006409-CD, on June 7, 2010.
2. On June 6, 2012, Wayne County Circuit Judge Amy Hathaway issued an order granting summary disposition in favor of both Defendants and dismissing Mr. Moore's case.
3. A Claim of Appeal with the Michigan Court of Appeals was timely filed on June 22, 2012, and the case was assigned Court of Appeals No. 310920.
4. Jerome Moore was employed as a security specialist by SEMHA pursuant to a contract between SEMHA and the City of Detroit.

5. However, Mr. Moore's direct supervisors were employees of the City of Detroit. Wayne County Circuit Judge Hathaway at the motion hearing on May 11, 2012, while granting summary disposition in favor of Defendants, held that there were questions of fact as to whether Defendant City of Detroit was an agent of Defendant SEMHA, so a proper adjudication of the issues in this case requires both parties. **Exhibit 2, attached.**
6. After a long wait, oral argument is scheduled in Mr. Moore's appeal on November 13, 2013, at 11:00 a.m. **Exhibit 3, attached.** Briefs were filed by the parties months ago and briefing is completed.
7. Because of the question of the agency relationship between the City of Detroit and SEMHA, both parties need to participate in the argument for a complete adjudication of the issues.
8. If the Court of Appeals, after hearing oral argument, rules against Plaintiff-Appellant Moore, the case will be resolved.
9. Even if the Court of Appeals rules in favor of Mr. Moore's appeal, because of the agency relationship between the City of Detroit and SEMHA, as well as the Master Professional Services Contract between these parties, it is likely that SEMHA and not the City of Detroit will be liable for any damages in this case.
10. Mr. Moore is requesting relief from the Automatic Stay, for the limited purpose of allowing the City of Detroit to participate in oral argument in this case, and so that his appellate rights can be adjudicated.
11. Allowing relief from the stay for the limited purpose of permitting the City to participate in oral argument in this case and to allow the Court of Appeals to render

its decision, will serve this honorable Court's expressed directive to the City to wrap up as many pending lawsuits as they are able to do to relieve the burden from the Bankruptcy Court.

12. A similar limited order for Relief from Stay was issued by this honorable Court to allow the Court of Appeals to render a decision in a pending case on appeal (Docket 993), in the case of Ronald Cook.
13. A Copy of the Proposed Order is attached. **Exhibit 1, attached.** Mr. Moore sought concurrence from Jason McFarlane, attorney for the City of Detroit, and concurrence was denied pending the filing of this motion.

WHEREFORE: Jerome Moore respectfully requests that this honorable Court grant relief from the Automatic Stay for the limited purposes of allowing oral arguments on appeal scheduled for November 13, 2013, to proceed and to allow the Michigan Court of Appeals to render decision in Case No. 310920.

Respectfully submitted,

JEROME D. GOLDBERG, PLLC

By: /s/ Jerome D. Goldberg
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DATED: October 22, 2013

BRIEF IN SUPPORT

Jerome Moore relies on the facts as outlined in this motion, the discretion of this honorable Court and the interests of judicial economy in support of his Motion for Relief from the Automatic Stay for the Limited Purposes of allowing the City of Detroit to participate in Oral Argument on his appeal and for the Michigan Court of Appeals to render its decision.

Respectfully submitted,

JEROME D. GOLDBERG, PLLC

By: /s/ Jerome D. Goldberg
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DATED: October 22, 2013

EXHIBIT 1 – PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Chapter 9

Case No. 13-53846

City of Detroit, Michigan,

Debtor.

ORDER GRANTING MOTION FOR RELIEF FROM AUTOMATIC STAY

This Motion of Jerome Moore having come before this Court [docket no. ___], and the Court being otherwise fully advised in the premises;

IT IS ORDERED:

1. Jerome Moore's Motion for Limited Relief from the Automatic Stay is granted.
2. The Automatic Stay is lifted for the limited purpose of allowing the City of Detroit to participate in Oral Argument in Mr. Moore's appeal, Michigan Court of Appeals No. 310-920, scheduled to be heard on November 13, 2013, and to allow for the Court of Appeals to render its decision on the Appeal.
3. If the Appeal is granted and the case is remanded for further proceedings to Wayne County Circuit Court, any further adjudication relative to the City of Detroit shall be subject to the automatic stay and to the jurisdiction of the Bankruptcy Court.