

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

-----X
In re : Chapter 9
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846
Debtor. : Hon. Steven W. Rhodes
: **Expedited Consideration Requested**
-----X

**EX PARTE MOTION FOR AN ORDER SHORTENING
NOTICE AND SCHEDULING AN EXPEDITED HEARING WITH
RESPECT TO MOTION OF THE CITY OF DETROIT FOR
APPROVAL OF DISCLOSURE STATEMENT PROCEDURES**

The City of Detroit (the "City") moves the Court for the entry of an *ex parte* order pursuant to Rules 9006(c)(1) and 9007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9006-1(b) of the Local Rules of the Bankruptcy Court for the Eastern District of Michigan (the "Local Rules") (i) shortening the notice period with respect to the *Motion of the City of Detroit for Approval of Disclosure Statement Procedures* (the "Motion") and (ii) scheduling a hearing on the Motion for February 27, 2014.

Jurisdiction

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

2. The City filed the Motion contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion, the City seeks entry of an order (i) setting a hearing to consider approval of the Disclosure Statement, (ii) approving the form and manner of the notice of the hearing to consider approval of the Disclosure Statement and (iii) approving related procedures and deadlines for objecting to approval of the Disclosure Statement.

3. Pursuant to Bankruptcy Rules 9006(c)(1) and 9007 and Local Rule 9006-1(b), the City seeks entry of an order (i) shortening the notice period with respect to the Motion to require any objections to be filed no later than 12:00 noon Eastern time on February 26, 2014 and (ii) scheduling a hearing on the Motion for February 27, 2014.

Basis for Relief

4. Bankruptcy Rule 9006(c)(1) provides that "when an act is required or allowed to be done at or within a specified time by these rules or by a notice given

thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced." Local Rule 9006-1(b) permits a party to "file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper." Bankruptcy Rule 9007 further provide that "[w]hen notice is to be given under the [Bankruptcy Rules], the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given." Together, these rules provide the Court with the authority to enter an *ex parte* order scheduling a hearing on the Motion on shortened notice and to approve the manner of notice of such hearing.

5. As described in the Motion, time is of the essence in this bankruptcy case. The City believes that all of the material issues affecting the City's restructuring have been discussed with its key creditors and key potential funders of the Plan and that progress has been made in its efforts to resolve these material issues by consensus or by Bankruptcy Court review. Mr. Orr's term as Emergency Manager ends in September 2014. By filing the Plan earlier today (ahead of the March 1, 2014 deadline set by the Court), the City has begun the confirmation process with a goal of emerging from bankruptcy at or around the end of Mr. Orr's term.

6. The City files this *Ex Parte* Motion to further its goal of confirming its plan and emerging from bankruptcy in a timely manner. If the hearing to consider the Motion is not heard on an expedited basis, the approval of the City's Disclosure Statement may be delayed, and correspondingly, the plan solicitation and confirmation process also may be delayed.

7. In addition, the Motion requests no substantive relief. Thus, there exists little concern that the Court's consideration of the Motion on an expedited basis will cause prejudice to any party in interest in this case.

8. The City will serve this *Ex Parte* Motion via the Court's ECF system to the parties who have requested electronic notice and will provide notice of the *ex parte* order promptly upon issuance.

9. For the reasons set forth above, the City submits that cause exists to:
(a) shorten the notice period with respect to the Motion to require any objections to be filed no later than 12:00 noon Eastern time on February 26, 2014; and
(b) schedule a hearing on the Motion for February 27, 2014.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion.

Dated: February 21, 2014

Respectfully submitted,

/s/ Heather Lennox

David G. Heiman (OH 0038271)

Heather Lennox (OH 0059649)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

dgheiman@jonesday.com

hlennox@jonesday.com

Bruce Bennett (CA 105430)

JONES DAY

555 South Flower Street

Fiftieth Floor

Los Angeles, California 90071

Telephone: (213) 243-2382

Facsimile: (213) 243-2539

bbennett@jonesday.com

Jonathan S. Green (MI P33140)

Stephen S. LaPlante (MI P48063)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson

Suite 2500

Detroit, Michigan 48226

Telephone: (313) 963-6420

Facsimile: (313) 496-7500

green@millercanfield.com

laplante@millercanfield.com

ATTORNEYS FOR THE CITY

EXHIBIT 1

Proposed Order

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

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

**ORDER APPROVING *EX PARTE* MOTION FOR AN ORDER
SHORTENING NOTICE AND SCHEDULING AN EXPEDITED HEARING
WITH RESPECT TO MOTION OF THE CITY OF DETROIT
FOR APPROVAL OF DISCLOSURE STATEMENT PROCEDURES**

This matter came before the Court on the *Ex Parte Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to Motion of the City of Detroit for Approval of Disclosure Statement Procedures* (Docket No. _____) (the "*Ex Parte Motion*"). The Court reviewed the Motion and has determined, after due deliberation, that (i) it has jurisdiction over this matter, (ii) this matter is a core proceeding, and (iii) the relief requested in the Motion is fair, equitable, and in the best interests of the City, its creditors, and other parties in interest.¹

¹ To the extent any finding of fact in this order constitutes a conclusion of law, it is adopted as such. To the extent any conclusion of law in this order constitutes a finding of fact, it is adopted as such.

Accordingly, it is hereby ORDERED that:

1. The *Ex Parte* Motion is granted as set forth in this Order.
2. Any objection to the *Ex Parte* Motion shall be filed and served no later than 12:00 noon Eastern time on February 26, 2014.
3. A hearing with respect to the *Motion of the City of Detroit for Approval of Disclosure Statement Procedures* shall be held on February 27, 2014 at _____ Eastern time before the Honorable Steven Rhodes in Courtroom _____ at 231 W. Lafayette Blvd, Detroit, Michigan 48226.