

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

In re:  
City of Detroit, Michigan,  
Debtor.

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Chapter 9  
Case No. 13-53846  
Hon. Steven W. Rhodes

**Notice of Agenda for Status Conference of August 6, 2014**

In addition to any matters that any of the parties raise, the Court gives notice of the following matters on the agenda for the status conference on August 6, 2014:

**1. Presentation of testimony and expert report from the court-appointed expert:**

- a. Who will conduct Ms. Kopacz's direct examination?
- b. At what point in the proceedings will she testify?
- c. Will the parties stipulate to the admissibility of her expert report into evidence? See Order Appointing Expert Witness, Dkt. #4215: "The report of the Court's expert witness shall be admitted as evidence at the hearing on confirmation of the City's plan only as provided by the Federal Rules of Evidence, unless otherwise agreed by the parties or ordered by the Court."
- d. Will the parties stipulate to Ms. Kopacz's qualifications as an expert witness in the areas of "municipal finance and budgeting" and "municipal planning"?
  - (i) See Order Regarding the Solicitation of Applications to Serve as the Court's Expert Witness on the Issue of Feasibility, Dkt. #3610:

"The Court seeks to appoint an expert witness who:

    - a. Has outstanding qualifications in municipal finance and budgeting to provide an opinion regarding the feasibility of the City's plan of adjustment.
    - b. Has outstanding qualifications in municipal planning to provide an opinion regarding the reasonableness of the assumptions that underlie the City's cash flow forecasts and projections."
  - (ii) See also Order Appointing Expert Witness, Dkt. #4215:

"The Court's appointment of the expert witness shall not be deemed to preclude *Daubert* or other challenges under the Federal Rules of Evidence to the admissibility of all or any of the expert witness's opinions at the hearing on confirmation of the City's plan."
- e. Will the parties agree to allow the Court to review the transcript of Ms. Kopacz's deposition when it is available?

**2. Review of Court's preliminary feasibility questions arising from the court-appointed expert's report.**

- 3. Status of exit financing.**
- 4. Confirmation hearing time limits:**
  - a. Reduction in trial time due to current settlements/how many hours each side now needs.
  - b. Impact of future settlements on the existing scheduling order.
- 5. Briefing schedule for legal issues raised by *pro se* objectors:**
  - a. How to handle the evidence if the City believes the issues the Court identifies are mixed issues of fact and law.
- 6. Whether the Court should issue a decision, prior to the start of the confirmation hearing, on whether the §1983 and 5<sup>th</sup> Amendment/takings claims can be impaired in bankruptcy (or any other legal issues).**
- 7. Status of Motion for Permissive Intervention by Unitarian Universalist Service Committee, Dkt. #6143.**

**Signed on August 05, 2014**

**/s/ Steven Rhodes**  
**Steven Rhodes**  
**United States Bankruptcy Judge**