

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

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

**ORDER ON
PETITIONER CYNTHIA A. BIBB'S MOTION FOR DETERMINATION
THAT THE BANKRUPTCY STAY DOES NOT APPLY TO HER
LITIGATION AGAINST THE BOARD OF TRUSTEES OF THE
CITY OF DETROIT GENERAL RETIREMENT SYSTEM**

Upon review of the Stipulation and Consent for Entry of Order on Petitioner Cynthia A. Bibb's Motion for Determination That the Bankruptcy Stay Does Not Apply to Her Litigation Against the Board of Trustees of the City of Detroit General Retirement System, and the Court having determined that good and sufficient cause has been shown:

IT IS HEREBY ORDERED that, to the extent that the Automatic Stay under 11 U.S.C. § 362 applies to Petitioner Cynthia A. Bibb's claims against the Board of Trustees of the General Retirement System of Detroit, the Automatic Stay is modified such that Petitioner Cynthia A. Bibb may proceed in *Bibb v City of Detroit, et al.*, Wayne County Circuit Court docket number 13-005321-CK (Hon.

Maria L. Oxholm) against the Board of Trustees of the General Retirement System only, provided that

- (1) Petitioner shall file a dismissal without prejudice in the Wayne County Circuit Court as to the defendant City of Detroit, and the stay shall remain in effect as to the City of Detroit pending entry of that dismissal;
- (2) Petitioner shall not pursue the relief she initially requested for “similarly-situated” beneficiaries or potential beneficiaries;
- (3) Petitioner shall file a copy of this order with the Wayne County Circuit Court; and
- (4) Any pension benefits petitioner receives shall be subject, in the same manner as the benefits of other General Retirement System retirees, to the terms of any Plan of Adjustment confirmed by this Court, with this Court retaining jurisdiction to resolve any disputes between the parties as to how the Plan of Adjustment affects the level of petitioner’s back benefits and future benefits.

IT IS FURTHER ORDERED that this Order is effective immediately.

Signed on August 13, 2014

/s/ Steven Rhodes
Steven Rhodes
United States Bankruptcy Judge