

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

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

***EX PARTE* MOTION
FOR AN ORDER SHORTENING NOTICE AND SCHEDULING AN
EXPEDITED HEARING WITH RESPECT TO THE CITY OF DETROIT’S
MOTION TO STRIKE IN PART SYNCORA GUARANTEE INC. AND
SYNCORA CAPITAL ASSURANCE INC.’S SECOND SUPPLEMENTAL
OBJECTION TO THE DEBTOR’S PLAN OF ADJUSTMENT**

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 United States Bankruptcy Court for the Eastern District of Michigan (the "Local Rules"):

- (a) shortening the notice period with respect to the Motion to Strike in Part Syncora Guarantee Inc. and Syncora Capital Assurance Inc.’s Second Supplemental Objection to the Debtor’s Plan of Adjustment (the "Motion to Strike") such that all objections be due by August 20, 2014; and
- (b) scheduling a hearing on the Motion to Strike on August 21, 2014 or as soon thereafter as the Court’s calendar permits.

Because confirmation briefing is ongoing, expedited consideration of the Motion to Strike may help clarify which issues need to be addressed in the City's consolidated pretrial brief.

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 to Strike contemporaneously with the filing of the instant *Ex Parte* Motion. In the Motion to Strike, the City seeks entry of an order striking in part Syncora Guarantee Inc. and Syncora Capital Assurance Inc.'s Second Supplemental Objection to the Debtor's Plan of Adjustment.

3. By this *Ex Parte* Motion, the City seeks an order (a) shortening the notice period with respect to the Motion to Strike so that objections to the Motion to Strike, if any, must be filed no later than August 20, 2014, and (b) scheduling a hearing on the Motion, if any objections are filed, on August 21, 2014 at 9:00 a.m.

Basis for Relief

4. For the reasons set forth below and in the Motion to Strike, requisite cause exists under Bankruptcy Rule 9006(c)(1) to hear the Motion to Strike on an expedited basis. 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 provides that:

When 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 to Strike on shortened notice and to approve the manner of notice of such hearing.

5. The City submits that the objection and response deadlines requested herein are reasonable under the circumstances. The City believes that the requested objection date provides adequate time for the filing of any objections to the Motion to Strike and is unlikely to prejudice any party in interest. Thus, the

City submits that the requested relief from the fourteen-day objection deadline in Local Rule 9014-1 is proper under the circumstances.

6. In addition, as the Court is aware, briefing concerning plan confirmation is currently ongoing, and speedy resolution of the Motion to Strike will clarify which issues should be addressed as properly raised in that briefing process.

Notice

7. The City will serve this *Ex Parte* Motion via the Court's ECF system to all parties served with the Motion to Strike and those parties who have requested electronic notice.

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: August 18, 2014

Respectfully submitted,

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ATTORNEYS FOR THE CITY

EXHIBIT 1

Proposed Order

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

-----X	:	
In re	:	Chapter 9
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CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
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Debtor.	:	Hon. Steven W. Rhodes
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This matter having come before the Court on the *Ex Parte* Motion for an Order Shortening Notice and Scheduling an Expedited Hearing with Respect to The City of Detroit’s Motion to Strike in part Syncora Guarantee Inc. and Syncora Capital Assurance Inc.’s Second Supplemental Objection to the Debtor’s Plan of Adjustment (the "*Ex Parte* Motion");¹ the Court having reviewed the *Ex Parte* Motion and, after due deliberation, having determined that (i) it has jurisdiction over this matter, (ii) this matter is a core proceeding, (iii) sufficient cause exists to reduce the notice period with respect to the Motion to Strike and schedule an

¹ Capitalized terms not otherwise defined herein have the meaning given to them in the *Ex Parte* Motion.

expedited hearing thereon and (iv) the relief requested in the *Ex Parte* Motion is fair, equitable and in the best interests of the City, its creditors and other parties in interest;

It is hereby ORDERED that:

1. The *Ex Parte* Motion is GRANTED.
2. Any objection to the Motion to Strike must be filed and served no later than August 20, 2014.
3. If any objection is filed, a hearing with respect to the Motion to Strike will be held on August 21, 2014 at 9:00 a.m. Eastern Time before the Honorable Steven Rhodes in Courtroom 242 at 231 W. Lafayette Blvd, Detroit, Michigan 48226.