

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

In re:

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Stephen W. Rhodes

**EX-PARTE MOTION OF THE OFFICIAL COMMITTEE OF RETIREES FOR AN
EXPEDITED HEARING ON MOTION TO STAY PROCEEDINGS PENDING
DETERMINATION OF MOTION TO WITHDRAW THE REFERENCE**

Now comes the Official Committee of Retirees (the “Retirees Committee”), through its counsel, Dentons and Brooks Wilkins Sharkey & Turco, and for its Ex-Parte Motion for an Expedited Hearing on Motion to Stay Proceedings Pending Determination of Motion to Withdraw the Reference, states:

Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory bases for the relief requested herein are Rules 9006 and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Background

4. On August 23, 2013, the U.S. Trustee formed the Retirees Committee.
5. Thereafter, on September 10, 2013, the Retirees Committee filed its Objection to Eligibility of the City of Detroit, Michigan (the “Debtor”) to be a Debtor Under Chapter 9 of the Bankruptcy Code (the “Eligibility Objection”) [Dkt. # 805].

6. On September 11, 2013, the Retirees Committee filed its Motion to Withdraw the Reference from the United States Bankruptcy Court for the Eastern District of Michigan (“Bankruptcy Court”) seeking consideration by the U.S. District Court of the state law and constitutional issues of first impression raised in the Eligibility Objection (the “Withdrawal Motion”)[Dkt. #806].

7. Contemporaneously herewith, the Retirees Committee has filed a Motion to Stay Proceedings Pending Determination of the Motion to Withdraw the Reference (the “Stay Motion”).

8. By the Stay Motion, the Committee seeks an Order granting a stay of all deadlines and the trial concerning a determination of the City of Detroit, Michigan’s (the “City”) eligibility to pursue this bankruptcy proceeding pursuant to section 109 of Title 11 of the United States Code (the “Bankruptcy Code”), pending a decision by the U.S. District Court on the Withdrawal Motion.

9. By this Motion, the Committee requests an Order setting an expedited hearing on the Stay Motion.

Relief Requested

10. Pursuant to Bankruptcy Rules 9006 and 9007, the Retiree Committee petitions this Court for expedited consideration of the Stay Motion.

11. As the Court is aware, the Retiree Committee was constituted only 3 weeks ago. The Committee has worked diligently to be effective and responsive within the fast-paced schedule set by this Court.

12. The Committee timely prepared and filed its Eligibility Objection, as well as other critical pleadings referenced above.

13. The Court has scheduled the initial hearings on objections to the Debtor's eligibility to obtain bankruptcy relief for September 18 and 19, 2013.

14. Notwithstanding, the Committee has filed the Withdrawal Motion, which motion, if granted, will have direct bearing upon the proceedings before this Court scheduled for next week. Accordingly, the Committee saw fit to file the Stay Motion, seeking among other relief, a stay of the hearings scheduled for next week on eligibility objections.

15. In light of the expedited nature of the relief requested in the Stay Motion, the Retiree Committee requests that, as the Court's docket may accommodate, the Court schedule a hearing on the Stay Motion on or before September 19, 2013.

WHEREFORE, the Retirees Committee respectfully requests that this Court enter an Order granting the relief requested herein, and such other relief as the Court may deem just.

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