

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

In re:

City of Detroit, Michigan,  
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**DEBTOR'S TWENTY-SIXTH OMNIBUS OBJECTION TO CERTAIN  
CLAIMS**

**(Utility Deposit Claims Not Subject to the Claims Process in this Bankruptcy  
Case)**

**THIS OBJECTION SEEKS TO MODIFY, DISALLOW AND/OR EXPUNGE  
CERTAIN FILED PROOFS OF CLAIM. CLAIMANTS RECEIVING THIS  
OBJECTION SHOULD CAREFULLY REVIEW THIS OBJECTION AND  
LOCATE THEIR NAMES AND CLAIMS ON THE EXHIBIT ATTACHED  
TO THIS OBJECTION.**

The Debtor, the City of Detroit ("City"), by and through its undersigned counsel, files this objection ("Objection") requesting that the Court enter an order, substantially in the form attached as Exhibit 1, disallowing and expunging each of the claims identified on Exhibit 2 on the basis that they are not subject to the claims process in this bankruptcy case. In support of this Objection, the City respectfully states as follows:

## **JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII, Section A of the Plan (defined below). 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.

## **BACKGROUND FACTS**

2. On July 18, 2013 (“Petition Date”), the City filed a petition for relief in this Court, thereby commencing the largest Chapter 9 bankruptcy case in history.

3. On November 21, 2013, this Court issued its *Order, Pursuant to Sections 105, 501, and 503 of the Bankruptcy Code and Bankruptcy Rules 2002 and 3003(c), Establishing Bar Dates for Filing Proofs of Claim and Approving Form and Manner of Notice Thereof* [Doc. No. 1782] (“Bar Date Order”) establishing deadlines to file certain proofs of claim in this case. The Bar Date Order set the deadline to file proofs of claim as February 21, 2014 at 4:00 p.m., Eastern Time (“Bar Date”).

4. On December 5, 2013, this Court held that the City was eligible for relief under Chapter 9 of the Bankruptcy Code. *See Order for Relief Under Chapter 9 of the Bankruptcy Code*. [Doc. No. 1946].

5. On July 9, 2014, this Court entered its *Order Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 3007 Approving Claim Objection Procedures* [Doc. No. 5872] (“Claims Procedures Order”), allowing the City to file omnibus objections with respect to claims that have been addressed by the Plan or otherwise are not subject to the claims process in this case (Claim Procedures Order at 2.)

6. On October 22, 2014, the City filed the *Eight Amended Plan of the Adjustment of Debts of the City of Detroit (October 22, 2014)* [Doc. No. 8045] (“Plan”).

7. On November 12, 2014, this Court entered an Order confirming the Plan [Doc. No. 8272] (“Confirmation Order”).

8. With respect to utility deposits, the Plan provides:

From and after the Effective Date, the City will continue to administer utility deposits in accordance with the City’s prepetition practices and procedures, including the payment of any undisputed, non-contingent, liquidated claims against the City for the refund of a utility deposit.

Plan Art. IV.U., p. 63; *see also* Confirmation Order ¶ 60, p. 109.

9. Consequently, claims for utility deposits are to be addressed in the ordinary course of the City’s business and are not subject to the claims administration process in this bankruptcy case.

10. The Plan became effective on December 10, 2014 (“Effective Date”).

11. Each of the claims listed on Exhibit 2 asserts a utility deposit claim that is not subject to the claims administration process in this bankruptcy case.

## **RELIEF REQUESTED**

12. The City files this Objection pursuant to the Bar Date Order, Section 502(b) of the Bankruptcy Code,<sup>1</sup> Rule 3007(c) of the Federal Rules of Bankruptcy Procedures (“Bankruptcy Rules”), and the Claims Procedures Order, seeking entry of an order disallowing and expunging the claims identified on Exhibit 2 because they assert claims for utility deposits that are not subject to the claims administration process established in this case and do not receive distributions under the Plan in this bankruptcy case.<sup>2</sup>

13. To the extent the Court does not expunge one or more of the claims identified on Exhibit 2, the City reserves all of its rights to object, on any basis, to any of the claims identified on Exhibit 2.

## **BASIS FOR RELIEF REQUESTED**

14. The City has reviewed the claims identified on Exhibit 2 and submits that that they are claims for utility deposits not subject to the claims administration process in this bankruptcy case.

15. The Declaration of Charles Raimi, Deputy Corporation Counsel, (the “Declaration”) explains the process undertaken by the City and confirms that the claims identified on Exhibit 2 are claims for utility deposits not subject to the

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<sup>1</sup> Section 502 of the Bankruptcy Code applies to Chapter 9 proceedings pursuant to Section 901(a) of the Bankruptcy Code.

<sup>2</sup> Consistent with this treatment, claims for utility deposits were not classified under the Plan.

claims administration process in this bankruptcy case. *See Declaration of Charles Raimi*, attached hereto as Exhibit 3.

16. The Claims Procedures Order and Bankruptcy Rule 3007(c) allow the City to file this Objection as an omnibus objection. Specifically, Bankruptcy Rule 3007(c) authorizes the Court to allow for omnibus objections beyond those circumstances itemized in Bankruptcy Rule 3007(d), and the Claims Procedures Order expressly permits the City to file an omnibus objection with respect to claims that are not subject to the claims administration process in this bankruptcy case. (Claims Procedures Order at 2.).

17. This Court has the authority to enter an order approving this Objection. Moreover, the streamlined process afforded by an omnibus objection (in lieu of individual objections to each of the claims identified on Exhibit 2) will result in material costs savings that will inure to the benefit of the City. Accordingly, the City believes that the relief sought by this Objection is in the best interests of the City and its creditors.

18. Based upon the foregoing, the City seeks entry of an order, substantially in the form annexed as Exhibit 1, expunging and disallowing each of the claims identified on Exhibit 2. Accordingly, pursuant to section 502(b) of the Bankruptcy Code and Bankruptcy Rule 3007(c), the Court should grant the relief requested.

## **SEPARATE CONTESTED MATTERS**

19. To the extent that a response is filed regarding any claim listed in this Objection and the City is unable to resolve the response, each one of those claims, and the objection by the City to each one of those claims asserted, should constitute a separate contested matter as contemplated by Bankruptcy Rule 9014. Any order entered by the Court regarding an objection asserted in this Objection should be deemed a separate order with respect to each such claim and, to the extent necessary under Bankruptcy Rules 7054 and 9014, should constitute a final judgment with respect to such claim, and the Court should expressly determine that there is no just reason for delay of the entry of the final judgment with respect to such claim.

20. The City files this Objection without prejudice to or waiver of its rights pursuant to section 904 of the Bankruptcy Code, and nothing herein is intended to, shall constitute or shall be deemed to constitute the City's consent, pursuant to section 904 of the Bankruptcy Code, to this Court's interference with (a) any of the political or governmental powers of the City, (b) any of the property or revenues of the City or (c) the City's use or enjoyment of any income-producing property.

## NOTICE

21. The City has provided notice of this Objection to each of the claimants identified in Exhibit 2 at the address set forth by each of the claimants on its respective proof of claim, and all other parties who have requested notice pursuant to Bankruptcy Rule 2002. Given the nature of the relief requested, the City respectfully submits that no other or further notice of this Objection need be given.

WHEREFORE, the City respectfully requests that this Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested herein and granting the City such other and further relief as the Court may deem just and proper.

Dated: February 26, 2016

Respectfully submitted,

By: /s/ Marc N. Swanson

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ATTORNEYS FOR THE CITY OF DETROIT



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

In re:  
City of Detroit, Michigan,  
Debtor.

Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**NOTICE OF DEBTOR’S TWENTY-SIXTH OMNIBUS OBJECTION TO  
CERTAIN CLAIMS**

**(Utility Deposit Claims Not Subject to the Claims Process in this Bankruptcy  
Case)**

**PLEASE CAREFULLY REVIEW THIS OBJECTION AND THE  
ATTACHMENTS HERETO TO DETERMINE WHETHER THIS  
OBJECTION AFFECTS YOUR CLAIMS(S).**

**PLEASE TAKE NOTICE THAT** the City of Detroit (“City”) has filed an objection to your claim because it is a claim for a utility deposit that is not subject to the claims administration process in this bankruptcy case (“Twenty-Sixth Omnibus Objection”) and, therefore, should be disallowed and expunged.

**YOUR CLAIM MAY BE REDUCED, MODIFIED OR ELIMINATED  
PURSUANT TO FED. R. BANKR. P. 3007(e)(1) AND PRIOR ORDERS OF  
THIS COURT. YOU SHOULD CAREFULLY REVIEW EXHIBIT 2 OF  
THE TWENTY-SIXTH OMNIBUS OBJECTION TO FIND YOUR NAME  
AND CLAIM. YOU SHOULD READ THESE PAPERS CAREFULLY AND  
DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE.**

If you do not want the court to eliminate or change your claim, or grant the relief requested in the Twenty-Sixth Omnibus Objection, then on or before **March 23, 2016**, you or your lawyer must:

1. File with the court, at the address below, a written response to the objection. Unless a written response is filed and served by the date stated above, the court may decide that you do not oppose the objection to your claim.

Clerk of the Court  
United States Bankruptcy Court  
211 W. Fort Street, Suite 2100  
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

2. A copy of your response must also be mailed to counsel for the City:

Marc N. Swanson  
Miller, Canfield, Paddock and Stone, PLC  
150 West Jefferson, Suite 2500  
Detroit, MI 48226

3. You must also attend the hearing on the objection scheduled to be held on **March 30, 2016, at 1:30 p.m. in Courtroom 1925, 211 W. Fort Street, Detroit, MI 48226** unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

**If you or your attorney does not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be cancelled and the objection sustained.**

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

By: /s/ Marc N. Swanson

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Facsimile: (313) 496-8451  
swansonm@millercanfield.com

Dated: February 26, 2016

**EXHIBIT 1: PROPOSED ORDER**

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

In re: City of Detroit, Michigan, Debtor.
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Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**ORDER GRANTING DEBTOR'S TWENTY-SIXTH OMNIBUS  
OBJECTION TO CERTAIN CLAIMS**

**(Utility Deposit Claims Not Subject to the Claims Process in this Bankruptcy Case)**

Upon review of the twenty-sixth objection to claims (the “Objection”),<sup>3</sup> of the Debtor, City of Detroit, Michigan, (the “City”), seeking entry of an order disallowing and expunging each of the claims listed on Exhibit 2 to the Objection; and it appearing that this Court has jurisdiction over the Objection pursuant to 28 U.S.C. §§ 157 and 1334 and Article VII of the Plan; and the Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and the Court having found that venue of this proceeding and the Objection in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that the relief requested in the Objection is in the best interests of the City, and its creditors; and due and proper notice of the Objection having been given as provided in the Objection; and it appearing that no other or further notice of the

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<sup>3</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to them in the Objection.

Objection need be given; and a hearing on the Objection having been held before the Court; and any objections or other responses to the Objection having been overruled or withdrawn; and the Court finding that the legal and factual bases set forth in the Objection and at the hearing establish just cause for the relief granted; and after due deliberation and good and sufficient cause appearing therefore;

IT IS ORDERED that:

1. The Objection is sustained as set forth herein.
2. Each of the proofs of claim listed on Exhibit 2 annexed to the Objection is hereby disallowed and expunged in its entirety, pursuant to Section 502(b) of the Bankruptcy Code.
3. The City's claims agent is authorized to update the claims register to reflect the relief granted in this Order.
4. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Objection.
5. Each claim and the objections by the City to each claim as addressed in the Objection and set forth in Exhibit 2 constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed and constitute a separate order with respect to each such claim and, to the extent necessary under Bankruptcy Rules 7054 and 9014, constitutes a final judgment with respect to such claim, and the Court expressly determines that there is no just

reason for delay of the entry of the final judgment with respect to such claim. Any stay of this Order shall apply only to the contested matter that involves such creditor and for which such stay has been granted or may be in effect, and shall not act to stay the applicability or finality of this Order with respect to the other contested matters covered hereby, and further provided that the City shall have the right, but not the need, to submit a separate order with respect to contested matters or claims.

6. The City retains all of its rights to object, on any other basis, to any of the proofs of claim identified on Exhibit 2.

7. Notice of the Objection as provided therein is good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a) and the local rules of the Court are satisfied by such notice.

8. Nothing in this Order is intended to, shall constitute or shall be deemed to constitute the City's consent, pursuant to section 904 of the Bankruptcy Code, to this Court's interference with (a) any of the political or governmental powers of the City, (b) any of the property or revenues of the City or (c) the City's use or enjoyment of any income-producing property.

**EXHIBIT 2: CLAIMS**



The ground for objection to each claim listed below is that it is a utility deposit claim not subject to the claims process in this bankruptcy case. Each of the pages in the omnibus objection is pertinent to the stated ground of objection.

<b>Claim No.</b>	<b>Creditor Name and Address</b>	<b>Claim Amount</b>	<b>Classification</b>	<b>Date Filed</b>
404	Alexander, Kathie 18971 McCormick St Detroit, MI 48224-1015	112.00	General Unsecured	12/24/2013
643	Bolden, George Jr 10027 Whitcomb St Detroit, MI 48227-2011	112.00	General Unsecured	01/29/2014
1015	Bourne, Nikilia 15835 Saratoga St Detroit, MI 48205-2933	112.00	General Unsecured	02/14/2014
892	Butler, Lorene 18716 Pennington Dr Detroit, MI 48221-2166	112.00	Secured	02/12/2014
1419	Cooper, Joann 3566 Theodore Detroit, MI 48211	551.00	Secured	02/19/2014
246	Delaney-Adams, Laura 11320 Strathmoor St Detroit, MI 48227-2751	112.00	General Unsecured	12/16/2013
224	Demmings, Kandyshin PO Box 19023 Detroit, MI 48219-0023	85.00	Priority	12/13/2013
840	Edwards, Steven 15900 Ferguson St Detroit, MI 48227-1571	112.00	General Unsecured	02/06/2014
419	Felton, Crystal 1126 Keswick Village Ct NE Conyers, GA 30013-6528	112.00	General Unsecured	12/30/2013

408	Felton, Pasha 258 N Avenue 49 Apt A Los Angeles, CA 90042-3884	112.00	General Unsecured	12/25/2013
204	Flores, Celia 7163 Parkwood St Detroit, MI 48210-2713	112.00	Secured	12/12/2013
653	Fox, Cherunda L 17145 Gable St Detroit, MI 48212-1321	47.36	General Unsecured	01/27/2014
189	Fuqua, Latasha 6789 Asbury Park Detroit, MI 48228-3746	112.00	General Unsecured	12/09/2013
870	Gentry, Jack 2815 St Joseph Detroit, MI 48207	298.00	General Unsecured	02/11/2014
174	Gregory-Ward, Loritha 18307 Monte Vista St Detroit, MI 48221-1948	112.00	General Unsecured	12/10/2013
156	Griffith, Melissa 12875 Grayfield Detroit, MI 48223	112.00	Secured	12/06/2013
2355	Henderson, Anna 20206 Prairie St Detroit, MI 48221-1219	BLANK	General Unsecured	02/21/2014
421	Hill, Clara 8893 Patton St Detroit, MI 48228-1619	200.00	General Unsecured	12/31/2013
581	Holmes, Dorothy 10630 McKinney Detroit, MI 48224	112.00	General Unsecured	01/21/2014
620	Hudson, Jadmin 9240 Ashton Ave Detroit, MI 48228-1806	112.00	General Unsecured	01/23/2014

192	Jackson, Rutha 13570 Stahelin Rd Detroit, MI 48223-3526	112.00	General Unsecured	12/09/2013
2939	Johnson, Debbie 18020 Indiana St Detroit, MI 48221-2419	107.00	General Unsecured	02/21/2014
854	Jones, Cecilia A 8507 Artesian St Detroit, MI 48228-3003	112.00	General Unsecured	02/10/2014
409	Jones, Donna 17850 Woodward Ave #32 Detroit, MI 48203-2259	112.00	General Unsecured	12/24/2013
194	Lawson, Christina 14201 Mayfield St Detroit, MI 48205-4031	112.00	General Unsecured	12/09/2013
897	Lawson, Menata 21994 Moross Rd Detroit, MI 48236-2113	112.00	General Unsecured	02/14/2014
185	Master Mind Realty, Llc 25140 Lahser Road, Ste 222 Southfield, MI 48033	43.66	General Unsecured	12/09/2013
291	Mccallum, Ahkela 15452 Southfield Fwy Detroit, MI 48223-1360	112.00	General Unsecured	12/17/2013
147	Mcclinic, Schnarria 15844 Marlowe St Detroit, MI 48227-2959	112.00	General Unsecured	12/04/2013
3351	Merriweather, Patricia 6053 Warwick St Detroit, MI 48228-3956	112.00	General Unsecured	02/21/2014

425	Michelle Johnson 4065 E Outer Dr Detroit, MI 48234-3016	106.00	General Unsecured	12/27/2013
3720	Michigan Land Bank 916 Washington Ave., Ste. 309 Bay City, MI 48708	720.86	General Unsecured	06/02/2014
2418	Nelson, Lisa 14869 Houston Whittier St Detroit, MI 48205-4124	112.00	General Unsecured	02/21/2014
656	Palmer, Darrell 19911 Appoline Detroit, MI 48235-1118	112.00	General Unsecured	01/29/2014
250	Parker, Shanekia N 242 Alter Rd Detroit, MI 48215-3103	112.00	General Unsecured	12/16/2013
193	Perry, Kimberly 18644 Robson St Detroit, MI 48235-2809	112.00	General Unsecured	12/09/2013
563	Perry, Vanessa 18167 Mackay St Detroit, MI 48234-1423	112.00	General Unsecured	01/16/2014
506	Reed, Kimberly 18541 Evergreen Detroit, MI 48219-2118	224.00	General Unsecured	01/13/2014
2936	Reid, Valarie 16538 Kentfield St Detroit, MI 48219-3371	112.00	General Unsecured	02/21/2014
482	Resident 11784 Roxbury St Detroit, MI 48224-1142	51.58	General Unsecured	01/08/2014

316	Roberson, Sheree 9959 Beaconsfield St Detroit, MI 48224-2534	112.00	General Unsecured	12/20/2013
1995	Rodgers, Nanci 12721 Cheyenne St Detroit, MI 48227-3510	125.00	General Unsecured	02/20/2014
331	Russell, Darshell 2450 Elmhurst St Detroit, MI 48206-1204	106.95	General Unsecured	12/23/2013
2592	Scott, Doretta 11821 Gable St Detroit, MI 48212-2525	112.00	General Unsecured	02/21/2014
918	Simmons, Yvonne 19921 Sunset St Detroit, MI 48234-2062	112.00	General Unsecured	02/13/2014
412	Sneed, Lora 20490 Greenfield Rd # 25 Detroit, MI 48235-1854	106.95	General Unsecured	12/27/2013
3306	Spiceer, Shawn 11721 Montrose St Detroit, MI 48227-1759	112.00	Secured	02/21/2014
505	Streeter, Alvin 14845 Lappin St Detroit, MI 48205-2405	112.00	General Unsecured	01/13/2014
208	Taylor, Lauren 17317 Albion St Detroit, MI 48234-3810	112.00	General Unsecured	12/12/2013
780	Thomas, Ellen Marie 12126 Forrer St Detroit, MI 48227	112.00	General Unsecured	02/04/2014
219	Townsend-finley, Gail 19964 Conley St Detroit, MI 48234-2254	112.00	General Unsecured	12/13/2013

178	Washington, Arlena D 12550 Arlington Detroit, MI 48212	112.00	General Unsecured	12/11/2013
890	Wilson, Candus 17574 Huntington Rd Detroit, MI 48219-3546	112.00	General Unsecured	02/12/2014
2298	Yarbrough, Regina 15826 Ohio St Detroit, MI 48238-1112	112.00	General Unsecured	02/20/2014

**EXHIBIT 3: DECLARATION OF CHARLES RAIMI**

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

In re: City of Detroit, Michigan, Debtor.
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Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**DECLARATION OF CHARLES RAIMI IN SUPPORT OF DEBTOR'S  
TWENTY-SIXTH OMNIBUS OBJECTION TO CERTAIN CLAIMS**

**(Utility Deposit Claims Not Subject to the Claims Process in this Bankruptcy  
Case)**

I, Charles Raimi, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge, information and belief:

1. I am Deputy Corporation Counsel for the City of Detroit. Unless otherwise stated in this Declaration, I have personal knowledge of the facts set forth herein.

2. The City's ongoing claims reconciliation process involves the collective effort of a team of employees assembled from personnel specifically familiar with the operations and liabilities of the City. This team works together and in conjunction with City's counsel, the City's financial advisor, and the City's claims agent, to review proofs of claim filed against the City.



3. In connection with the preparation of the Twenty-Sixth Omnibus Objection to Certain Claims (Utility Deposit Claims Not Subject to the Claims Process in this Bankruptcy Case) (the “Twenty-Sixth Omnibus Objection”), the City reviewed the claims at issue, as described on Exhibit 2 of the Twenty-Sixth Omnibus Objection.

4. The City believes that each of the claims on Exhibit 2 should be disallowed and expunged because it is a claim for a utility deposit that is not subject to the claims administration process in this bankruptcy case.

[SIGNATURE PAGE FOLLOWS]

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: Feb 24, 2016

By: /s/ CNR  
Charles Raimi

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

In re: City of Detroit, Michigan, Debtor.
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Bankruptcy Case No. 13-53846  
Honorable Thomas J. Tucker  
Chapter 9

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on February 26, 2016, he electronically filed the foregoing Omnibus Objection to Certain Claims (the “Omnibus Objection”) with the Clerk of the Court which sends notice by operation of the court’s electronic filing service to all ECF participants registered to receive notice in this case. The City has engaged a Noticing Agent, which will serve the Omnibus Objection on the Claimants listed therein at the address set forth by each of the claimants on its respective proof of claim and on all parties requesting notices listed on the Master Service List, and file a subsequent Proof of Service after it has performed the service.

DATED: February 26, 2016

By: /s/ Marc N. Swanson  
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