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

REPLY IN SUPPORT OF DEBTOR'S
FORTY-THIRD OMNIBUS OBJECTION TO CERTAIN CLAIMS

(NO BASIS)

The City of Detroit ("City"), by its undersigned counsel, files this reply in support of its *Forty-Third Omnibus Objection to Certain Claims* ("Objection," Doc. No. 11081), stating as follows:

1. On April 14, 2016, the City filed its Objection. The only response to the Objection was filed by Benjamin F. Newkirt,, Jr. [Doc. No. 11147] ("Newkirt Response").[1] Newkirt's proof of claim and the Newkirt Response are attached as Exhibits 1 and 2.

2. The Newkirt Response should be overruled. The City had objected to Newkirt's proof of claim via the Objection because the proof of claim neither states that the City owes Newkirt any specific amount of money nor provides any explanation as to why the City owes him anything at all. Ex. 1.

[1] A deficiency noticed was entered by the Court on May 6, 2016. [Doc. No. 11148]. The deficiency has not yet been cured.

3. The Newkirt Response does not remedy these defects. In the Newkirt Response, Newkirt mainly lists ailments from which he purportedly suffers and asks to be excused from attending the hearing. Ex. 2. Newkirt also alleges that "The City already takes $220.00 out of my check already." Ex. 2. This appears to be a collateral attack on the City's confirmed chapter 9 plan and should be overruled. To the extent it is not an attack on the confirmed plan, Newkirt provides no documentation or legal basis to support this claim. In short, Newkirt acknowledges that he received the Objection and that he opposes it, but does nothing to respond to the main point of the Objection, which is that his proof of claim fails to state any claim at all. *Id.* The Objection should be upheld as to this claim.

CONCLUSION

For these reasons, the City asks the Court to overrule the Newkirt Response and sustain the City's Objection to each of the claims objected to in the Objection.

Dated: May 13, 2016

By: /s/ Ronald A. Spinner
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ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN

CHAPTER 9 PROOF OF CLAIM

Name of Debtor: City of Detroit, Michigan | Case Number: 13-53846

NOTE: *Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.*

Name of Creditor (the person or other entity to whom the debtor owes money or property):
BENJAMIN F. NEWKIRT JR.

FILED
COURT USE ONLY

Name and address where notices should be sent:
151 CLEBURNE PKWY.
APT. #1204
HIRAM, GA. 30141

☐ Check this box if this claim amends a previously filed claim.

Court Claim Number: _____ (If known)

Filed on: _____

2014 FEB 24 A 10:22
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Telephone number: email:

Name and address where payment should be sent (if different from above):

Telephone number: email:

☐ Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.

RECEIVED
MAR 0 3 2014
KURTZMAN CARSON CONSULTANTS

1. **Amount of Claim as of Date Case Filed:** $_____

If all or part of the claim is secured, complete item 4.
If all or part of the claim is entitled to priority, complete item 5.
☐ Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement

2. **Basis for Claim:** _____
(See instruction #2)

3. **Last four digits of any number by which creditor identifies debtor:**

3a. **Debtor may have scheduled account as:** _____
(See instruction #3a)

4. **Secured Claim** (See instruction #4)
Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.

Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: $_____

Nature of property or right of setoff: ☐ Real Estate ☐ Motor Vehicle ☐ Other
Describe:

Basis for perfection: _____

Value of Property: $_____

Amount of Secured Claim: $_____

Annual Interest Rate (when case was filed) _____% ☐ Fixed or ☐ Variable

Amount Unsecured: $_____

5. **Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2).** $_____

5b. **Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. §** _____. $_____

6. **Credits.** The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)

7. **Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. *(See instruction #7, and the definition of "redacted".)* DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.
If the documents are not available, please explain:

8. **Signature:** (See instruction # 8)
Check the appropriate box.

☑ I am the creditor. ☐ I am the creditor's authorized agent. ☐ I am the trustee, or the debtor, or their authorized agent. (See Bankruptcy Rule 3004.) ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: BENJAMIN F. NEWKIRT JR.
Title: RETIREE
Company: CITY OF DETROIT
Address and telephone number (if different from notice address above):

Benjamin F. Newkirt Jr. FEB. 19, 2014
(Signature) (Date)

Telephone number: email:

Penalty for presenting fraudulent claim: Fine of up to $500,000 or imprisonm

13538461402240000000130

FEB. 19, 2014

DEAR: THE CLERK'S OFFICE.

I DIDN'T GET THIS NOTICE IN TIME. I GOT IT ON FEB. 18, 2014.

BENJAMIN F. NEWKIRK IV.
BENJAMIN F. NEWKIRK IV
1515 CLEBURNE - APT. #204
HIRAM, GA. 30141
313-254-6060

EXHIBIT 2

12cm

BENJAMIN F. NEWKIRK JR.
6736 BILL CARRUTH PKWY
APT. 1204
HIRAM, GA. 30141
313-254-1060

SUBJECT: DEBTOR'S FORTY-THIRD OMNIBUS OBJECTION TO CERTAIN CLAIMS.

I oppose THE OBECTION TO my CLAIM.

THE REASON WHY I OPPOSE.

(I.) I'AM 65 YRS. OLD. My PENSION AND SOCIAL SECURITY IS my ONLY INCOME. THE CITY ALREADY TAKES $220.00 OUT OF my CHECK ALREADY.

(II.) I'AM ON MEDICARE AND HAVE OTHER MEDICAL BILLS.

(III.) I HAVE A "BULGED AND HERNIATED DISC" IN my BACK.

(IV.) WOULD LIKE TO BE EXCUSED FROM MAY 18TH. HEARING. I HAVE A PROBLEM SATTING, STANDING AND WALKING TOO LONG.

Benjamin F. Newkirk Jr.

CASE NO. 13-53846

MAY 1, 2016