

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Chapter 9
CITY OF DETROIT, MICHIGAN. No. 13-53846

Debtor. HON. STEVEN W. RHODES

**STATE OF MICHIGAN'S MOTION TO FILE A RESPONSE TO
ELIGIBILITY OBJECTIONS RAISING ONLY LEGAL ISSUES
IN EXCESS OF THE PAGE LIMITS**

The State of Michigan moves this Court to approve its Response to Eligibility Objections Raising Only Legal Issues for filing in excess of the page limits and says in support:

1. This Court's August 26, 2013 Order identifies seven Eligibility Objections raising only legal issues challenging the City of Detroit's eligibility under 11 U.S.C. § 109(c) to be a debtor in Chapter 9. (Doc. # 642, Order, pp. 1-3.) Four of these legal issues directly challenge the validity of the state law—P.A. 436, Mich. Comp. Laws § 141.1541, *et. seq.*—which sets out the conditions and requirements by which a municipality may be authorized to proceed under Chapter 9, the validity of the Governor's approval authorizing the City to proceed in Chapter 9; and the authority of the Emergency Manager to file this

bankruptcy case. These legal issues raise significant constitutional and other challenges to Michigan's law, the authority of its Governor, and the Governor's actions.

2. The State of Michigan has a substantial interest in defending the validity of the state law under which the City's financial emergency is being managed and which provides the authority for a local government to proceed in Chapter 9. The State should have a meaningful voice on any issue requiring a court to address the meaning of its Constitution and the validity of its laws. Additionally, the City's eligibility to proceed as a debtor in Chapter 9 is of significant interest to the State. The City's financial emergency raises important public health, safety, and welfare concerns in addition to financial issues that a potential negative effect on other local governments and the State itself. The City requires the protections and assistance of the Bankruptcy Court is resolving this financial emergency, and the State is both a partner and a creditor in this process.

3. The number of legal issues and individual constitutional and statutory challenges raised by the Objectors, and the State's interest in

providing a reasonable and meaningful defense of its law and the application of that law for the Court, require briefing of 34 pages.

The State of Michigan, therefore, prays the Court grant this motion and enter an Order approving the State's Response to Eligibility Objections Raising Only Legal for filing in excess of the page limits.

Respectfully submitted,

/s/ Steven B. Flancher
Steven B. Flancher (P47894)
Assistant Attorney General

Matthew Schneider (P62190)
Chief Legal Counsel

Aaron D. Lindstrom (P72916)
Assistant Solicitor General

Margaret A. Nelson (P30342)
Assistant Attorneys General
P.O. Box 30758
Lansing, MI 48909
517.373.6434

Steven G. Howell (P28982)
Dickinson Wright PLLC
500 Woodward Avenue, Suite 4000
Detroit, Michigan 48226-3425

Attorneys for the State of Michigan
Michigan Dep't of Attorney Gene