

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

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

**STIPULATION FOR WITHDRAWAL OF
SATISFIED CLAIM OF LIMBACH COMPANY LLC**

Limbach Company LLC (“Limbach”) and the City of Detroit, Michigan (the “City”), by and through the undersigned, stipulate as follows in support of the entry of the *Order Withdrawing Satisfied Claim of Limbach Company LLC* attached hereto as **Exhibit 1**.

1. On February 20, 2014, Limbach filed its proof of claim [Claim No. 1901] (the “Claim”) in the amount of \$186,837.50, all of which related to post-petition invoices, which were not properly included in the Claim.

2. There are no outstanding pre-petition amounts owed to Limbach by the City.

3. In the ordinary course of its business, the City has paid Limbach all of the outstanding post-petition amounts sought in the Claim.

4. Limbach hereby withdraws the Claim in its entirety because the Claim has been fully satisfied.

5. Nothing in this Stipulation or the proposed order attached hereto as Exhibit 1 addresses any post-petition claims which have arisen or may arise between the City and Limbach, other than the post-petition amounts sought in the Claim. Both parties fully reserve all of their respective rights with respect to any other post-petition claims.

WHEREFORE the parties respectfully request that the Court enter an order in the form attached hereto as **Exhibit 1** withdrawing the Claim.


Respectfully submitted by:

<p>KOTZ SANGSTER WYSOCKI, P.C.</p> <p>By: <u>/s/ Edward Boucher (with consent)</u> R. Edward Boucher 400 Renaissance Center, Suite 3400 Detroit, MI 48243 Phone: (313) 259-8300 rboucher@kotzsangster.com</p> <p><i>Counsel to Limbach Company LLC</i></p>	<p>FOLEY & LARDNER, LLP</p> <p>By: <u>/s/ Jeffrey S. Kopp</u> Jeffrey S. Kopp (P59485) John A. Simon (P61866) Tamar N. Dolcourt (P73425) 500 Woodward Ave., Ste. 2700 Detroit, MI 48226 Phone: (313) 234-7100 jkopp@foley.com jsimon@foley.com tdolcourt@foley.com</p> <p><i>Counsel to the City of Detroit, Michigan</i></p>
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Dated: February 9, 2015

WHEREFORE the parties respectfully request that the Court enter an order in the form attached hereto as **Exhibit 1** withdrawing the Claim.

Respectfully submitted by:

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Dated: February __, 2015

EXHIBIT 1: PROPOSED ORDER

4814-9107-1009.1

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In re	:	
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CITY OF DETROIT, MICHIGAN,	:	
	:	Hon. Steven W. Rhodes
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-----	X	

**ORDER APPROVING STIPULATION FOR WITHDRAWAL OF
SATISFIED CLAIM OF LIMBACH COMPANY LLC**

This matter having come before the Court on the *Stipulation For Withdrawal Of Satisfied Claim Of Limbach Company LLC* (the “Stipulation”); Limbach¹ having filed Claim No. 1901 (the “Claim”) in the above-captioned bankruptcy case; the City having paid all amounts sought in the Claim in the ordinary course of its business; Limbach having agreed that the Claim has been fully satisfied; and the Court being otherwise fully informed:

IT IS HEREBY ORDERED THAT:

1. Claim No. 1901 filed by Limbach is withdrawn in its entirety.
2. The City’s claims agent is hereby authorized to update the claims register to reflect the relief granted in this Order.
3. The City is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

¹ Capitalized terms not otherwise defined herein shall have the meaning given to them in the Stipulation.

4. Nothing in the Stipulation or this Order affects the rights of the City or Limbach with respect to any post-petition claims which have arisen or may arise between the parties, other than those sought in the Claim. Both parties fully reserve all of their respective rights with respect to any other post-petition claims.