

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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

**FEE EXAMINER’S *EX PARTE* MOTION TO EXTEND DEADLINE
FOR FILING FIRST QUARTERLY REPORT AND FOR RELATED RELIEF**

Pursuant to Fed. R. Bankr. P. 9006(b)(1) and E.D. Mich. L.B.R. 9006-1(b), Robert M. Fishman, the Court appointed fee examiner in the above-captioned case (the “Fee Examiner”)¹ hereby requests (the “Motion”) that the Court enter an order extending the deadline by which the Fee Examiner must file his first Quarterly Report to February 4, 2014² and for related relief. In support of this Motion, the Fee Examiner states as follows:

1. The Fee Review Order sets forth the procedures and requirements that are applicable to and govern the submission, disclosure and review of all Professional Fee Expenses (as that term is defined in the Fee Examiner Order). The Fee Review Order provides, among other things, that the Fee Examiner must file Quarterly Reports that include copies of the applicable Monthly Invoices submitted by the Professionals for the City and the Official Committee of Retired Employees (the “Retiree Committee”) following a period of review by the Fee Examiner and Resolution Discussions between the Fee Examiner and the Professionals.

2. The Fee Examiner is currently reviewing Monthly Invoices for sixteen (16) City and Retiree Committee Professionals, and the number of Professionals is expected to increase.

¹ See Order Appointing Fee Examiner dated August 19, 2013 [Docket No. 383] (the “Fee Examiner Order”).

² Capitalized terms not otherwise defined herein shall have the meaning assigned to such terms in the Court’s Fee Review Order dated September 11, 2013 [Docket No. 810] (the “Fee Review Order”).



3. Pursuant to paragraph 9 of the Fee Review Order, the Fee Examiner's first Quarterly Report for the postpetition portion of July 2013 and the months of August and September 2013, is due to be filed on or before January 15, 2014 (the "Quarterly Report Deadline").

4. The Fee Examiner seeks an extension of the Quarterly Report Deadline to February 4, 2014 for several reasons. First, at the hearing on the entry of the Fee Review Order, the Court requested that the various deadlines set forth in the Fee Review Order be changed from five day increments to seven day increments, which was done. However, the deadline provided in the Fee Review Order for filing the first Quarterly Report was a date certain (January 15, 2014). Therefore, when the other dates were converted to seven day increments and extended by that process, due to an oversight, the Quarterly Report Deadline remained January 15, 2014, which now precedes the January 20, 2014 deadline for the completion of the September Final Monthly Reports (a necessary component of the first Quarterly Report) by several days. Second, the Resolution Discussions between the Fee Examiner and certain Professionals relating to the July Postpetition/August Monthly Invoices took substantially longer than anticipated and has delayed completion of the July Postpetition/August Final Monthly Report. Finally, the holiday season has caused additional delays with regard to both the completion of the July/August Final Monthly Reports and the review and reporting on the September Monthly Invoices. Extending the Quarterly Report Deadline by approximately three weeks to February 4, 2014 will enable the Fee Examiner and the Professionals to complete the necessary tasks for the Fee Examiner to complete and file the first Quarterly Report.

5. Paragraph 9 of the Fee Review Order also provides that subsequent Quarterly Reports would be filed approximately every ninety-one (91) days after the filing of the first

Quarterly Report. The extension requested herein, if granted, would therefore automatically extend the dates for the filing of subsequent Quarterly Reports by the same number of days.

6. Additionally, the Fee Review Order requires the Fee Examiner to file his Fee Application on the same date as he files the Quarterly Reports. Accordingly, the extension of the deadline for the filing of the first Quarterly Report, if granted, will also serve as an extension of the date by which the Fee Examiner must file his first Fee Application.

7. Bankruptcy Rule 9006(b)(1) provides, in pertinent part, that “when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order . . .” Fed. R. Bankr. P. 9006(b)(1). Local Rule 9006-1(b) further provides that “a party may file a motion for an ex parte order reducing or enlarging the time for a party to take any action or file any paper.” E.D. Mich. LBR 9006-1(b).

8. Based on the foregoing, the Fee Examiner respectfully submits that cause exists to extend the Quarterly Report Deadline to February 4, 2014. Furthermore, in light of the nature of the relief requested by the Fee Examiner, it is appropriate for the Court to dispense with further notice requirements and to grant ex parte relief pursuant to Local Rule 9006-1(b).

WHEREFORE, the Fee Examiner respectfully requests that this Court enter an order: (i) granting this Motion; (ii) extending the Quarterly Report Deadline and the date by which the Fee Examiner must file his first Fee Application to and including February 4, 2014; and (iii) providing such other relief as is just and to which the Fee Examiner may be entitled under the circumstances.

Robert M. Fishman, Fee Examiner

Dated: January 6, 2014

By: /s/ Peter J. Roberts
One of his attorneys

Peter J. Roberts
Shaw Fishman Glantz & Towbin LLC
321 North Clark Street, Suite 800
Chicago, Illinois 60654
(312) 541-0151 telephone
proberts@shawfishman.com

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

Exhibit 1	Proposed Form of Order
Exhibit 2	None [Motion Seeks <i>Ex Parte</i> Relief]
Exhibit 3	None [Brief Not Required]
Exhibit 4	Certificate of Service
Exhibit 5	None [No Documentary Exhibits Filed Specific to this Motion]

EXHIBIT 1
(PROPOSED ORDER)

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

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

**ORDER EXTENDING DEADLINE FOR FEE EXAMINER
TO FILE FIRST QUARTERLY REPORT**

This matter comes before the Court on the Fee Examiner’s Ex Parte Motion to Extend Deadline for Filing First Quarterly Report and for Related Relief (the “Motion”). The Court has duly considered the Motion, and determines that good cause has been shown for the requested extension of time.

IT IS HEREBY ORDERED that:

1. The Motion is GRANTED.
2. The deadline for the Fee Examiner to file his first Quarterly Report is hereby extended to and including February 4, 2014 and all related deadlines are extended accordingly.

EXHIBIT 2

(NOTICE - NONE)

EXHIBIT 3
(BRIEF - NONE)

EXHIBIT 4
(CERTIFICATE OF SERVICE)

CERTIFICATE OF SERVICE

Peter J. Roberts, an attorney, certifies that he caused a true copy of the foregoing **Fee Examiner's Ex Parte Motion to Extend Deadline for Filing First Quarterly Report and for Related Relief** to be served pursuant to the Court's CM/ECF System on this 6th day of January, 2014.

/s/ Peter J. Roberts _____

EXHIBIT 5

(DOCUMENTARY EXHIBITS - NONE)