

Defendants City of Detroit, Kevyn D. Orr, John Naglick, Michael Jamison and Cheryl Johnson (“Defendants”), by and through their undersigned counsel, hereby files this Motion to Dismiss, and requests, pursuant to Federal Rule of Civil Procedure 12(b)(6) and Federal Rule of Bankruptcy Procedure 7012(b), that this Court dismiss in full all counts of the First Amended Complaint. In support of this Motion, Defendants respectfully refer the Court to the Memorandum in Support attached hereto as Exhibit 3.

Counsel for the City sought the concurrence in the relief requested herein from counsel for the plaintiffs on January 17, 2014, but such concurrence was not obtained, necessitating the filing of this motion.

WHEREFORE, Defendants respectfully requests that the Court grant their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b) and Fed. R. Bankr. P. 7012(b), and grant such other and further relief as the Court deems appropriate.

[signature page follows]

Dated: January 17, 2014

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS

SUMMARY OF ATTACHMENTS

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

Exhibit 1 - Proposed Form of Order

Exhibit 2 - Notice

Exhibit 3 - Brief

Exhibit 4 - Certificate of Service

Exhibit 5 - Affidavits [Not Applicable]

Exhibit 6 - Documentary Exhibits [Not Applicable]