



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,

Bruce Bennett (CA 105430)  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, CA 90071  
Telephone: (213) 243-2382  
bbennett@jonesday.com

Brad B. Erens (IL 6206864)  
JONES DAY  
77 West Wacker  
Chicago, Illinois 60601-1692  
Telephone: (312) 269-4050  
bberens@jonesday.com

Geoffrey S. Stewart (DC 287979)  
JONES DAY  
51 Louisiana Ave., N.W.  
Washington, D.C. 20001  
Telephone: (202) 879-3939  
Facsimile: (202) 626-1700  
gstewart@jonesday.com

/s/ Deborah Kovsky-Apap  
Robert S. Hertzberg (P30261)  
Deborah Kovsky-Apap (P68258)  
Lesley S. Welwarth (P75923)  
PEPPER HAMILTON LLP  
4000 Town Center, Suite 1800  
Southfield, MI 48075  
Telephone: (248) 359-7300  
Facsimile: (248) 359-7700  
hertzbergr@pepperlaw.com  
kovskyd@pepperlaw.com  
welwartl@pepperlaw.com

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:

**Exhibit 6-A:** MCL § 141.107; MCL § 141.1009

**Exhibit 6-B:** Central Falls Rhode Island Fourth Amended Plan of Adjustment

**Exhibit 6-C:** Rhode Island General Laws § 45-12-1