

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

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In re : Chapter 9  
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846  
Debtor. : Hon. Steven W. Rhodes  
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**STIPULATION RESOLVING MOTION OF THE  
GENERAL RETIREMENT SYSTEM OF THE  
CITY OF DETROIT TO DESIGNATE AND DETERMINE  
ADDITIONAL LEGAL ISSUE REGARDING METHODOLOGY  
FOR ASF RECOUPMENT FROM RETIREES [Docket No. 5478]**

The City of Detroit, Michigan (the "City"), the General Retirement System of the City of Detroit (the "GRS"), the Official Committee of Retirees (the "Retiree Committee") and the Detroit Retired City Employees Association (the "DRCEA") (collectively, the "Parties"), by and through each of their undersigned counsel, stipulate as follows:<sup>1</sup>

1. On June 20, 2014, the GRS filed the Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees (Docket No. 5478) (the "Motion"), seeking to "raise a discrete legal issue before the Court

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<sup>1</sup> Capitalized terms not defined herein have the meanings given to them in the Plan.

regarding the treatment of GRS retirees with respect to the recoupment of Annuity Savings Fund Excess Amounts" under the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (Docket No. 4392) (the "Plan"). Motion, at 1. On that same date, the GRS filed, and the Court granted, an *ex parte* motion for shortened notice and an expedited hearing on the Motion. See Docket Nos. 5479 and 5496.

2. On June 23, 2014, the Retiree Committee filed the Official Committee of Retirees' Concurrence in Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees (Docket No. 5509). Also on June 23, 2014, the DRCEA, among other parties, filed the Concurrence of the Retiree Association Parties in the Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees (Docket No. 5535).

3. On June 24, 2014, the City filed its Response of the City of Detroit to the Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees (Docket No. 5578).

4. The Parties have reached an agreement that resolves the Motion. Specifically, the Parties have agreed upon certain modifications to the

Plan, as set forth in the term sheet attached hereto as Exhibit 2 (the "Term Sheet").

The City has agreed to make revisions to the Plan substantially in the form of the provisions set forth in the Term Sheet.

5. Having reached a consensual resolution regarding the relief sought in the Motion, the Parties respectfully request that the Court enter the proposed Order attached hereto as Exhibit 1.

Dated: July 7, 2014

/s/ Robert D. Gordon

Robert D. Gordon (P48627)  
Shannon L. Deeby (P60242)  
Jennifer K. Green (P69019)  
CLARK HILL PLC  
151 South Old Woodward Avenue  
Suite 200  
Birmingham, Michigan 48009  
Telephone: (248) 988-5882  
Facsimile: (248) 988-2502  
rgordon@clarkhill.com

ATTORNEYS FOR THE GENERAL  
RETIREMENT SYSTEM OF THE  
CITY OF DETROIT

/s/ Ryan C. Plecha

Brian D. O'Keefe (P39603)  
Ryan C. Plecha (P71957)  
LIPPITT O'KEEFE GORNBEIN, PLLC  
370 East Maple Road, Third Floor  
Birmingham, Michigan 48009  
Telephone: (248) 646-8292  
Facsimile: (248) 646-8375  
bokeefe@lippitokeefe.com  
rplecha@lippitokeefe.com

ATTORNEYS FOR THE DETROIT  
RETIRED CITY EMPLOYEES  
ASSOCIATION

/s/ Heather Lennox

David G. Heiman (OH 0038271)  
Heather Lennox (OH 0059649)  
Thomas A. Wilson (OH 0077047)  
JONES DAY  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
Telephone: (216) 586-3939  
Facsimile: (216) 579-0212  
dgheiman@jonesday.com  
hlennox@jonesday.com  
tawilson@jonesday.com

Bruce Bennett (CA 105430)  
JONES DAY  
555 South Flower Street  
Fiftieth Floor  
Los Angeles, California 90071  
Telephone: (213) 243-2382  
Facsimile: (213) 243-2539  
bbennett@jonesday.com

Jonathan S. Green (MI P33140)  
Stephen S. LaPlante (MI P48063)  
MILLER, CANFIELD, PADDOCK  
AND STONE, P.L.C.  
150 West Jefferson  
Suite 2500  
Detroit, Michigan 48226  
Telephone: (313) 963-6420  
Facsimile: (313) 496-7500  
green@millercanfield.com  
laplante@millercanfield.com

ATTORNEYS FOR THE CITY

/s/ Claude D. Montgomery

Carole Neville  
Claude D. Montgomery  
DENTONS US LLP  
1221 Avenue of the Americas  
New York, New York 10020  
Telephone: (212) 768-6700  
carole.neville@dentons.com  
claudemontgomery@dentons.com

and

Sam J. Alberts  
DENTONS US LLP  
1301 K Street, NW  
Suite 600, East Tower  
Washington, D.C. 20005-3364  
Telephone: (202) 408-6400  
sam.alberts@dentons.com

and

Matthew E. Wilkins  
Paula A. Hall  
BROOKS WILKINS SHARKEY &  
TURCO  
401 South Old Woodward  
Suite 400  
Birmingham, Michigan 48009  
Telephone: (248) 971-1800  
wilkins@bwst-law.com  
hall@bwst-law.com

ATTORNEYS FOR THE OFFICIAL  
COMMITTEE OF RETIREES

**EXHIBIT 1**

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

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In re : Chapter 9  
CITY OF DETROIT, MICHIGAN, : Case No. 13-53846  
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**ORDER RESOLVING MOTION OF THE  
GENERAL RETIREMENT SYSTEM OF THE  
CITY OF DETROIT TO DESIGNATE AND DETERMINE  
ADDITIONAL LEGAL ISSUE REGARDING METHODOLOGY  
FOR ASF RECOUPMENT FROM RETIREES [Docket No. 5478]**

This matter came before the Court on the Stipulation Resolving Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees [Docket No. 5478] (the "Stipulation"),<sup>1</sup> filed by the City of Detroit (the "City"), the General Retirement System of the City of Detroit (the "GRS"), the Official Committee of Retirees and the Detroit Retired City Employees Association (collectively, the "Parties"); the Court having reviewed the Stipulation; the Court finding that (a) the Court has jurisdiction over this matter pursuant to

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<sup>1</sup> Capitalized terms not defined herein have the meanings given to them in the Stipulation.

28 U.S.C. §§ 157 and 1334 and (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b); and the Court being fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Stipulation is APPROVED.
2. The Motion has been consensually resolved as set forth in the Stipulation.
3. The City will amend the Plan substantially in accordance with the provisions set forth in the Term Sheet.



**EXHIBIT 2**

## TERM SHEET

GRS Participants who are subject to an ASF Recoupment (as defined in the Plan<sup>1</sup>) through reduction of their monthly pension (each, an ASF Distribution Recipient as defined in the Plan) but who wish to pay in a single lump sum the total amount of their ASF Recoupment, shall be provided a one-time opportunity to do so, subject to the following terms and conditions (the "ASF Recoupment Cash Option"):

1. No later than 7 days following the Effective Date, the City, through KCC, shall send a notice (the "Election Notice"), by first-class U.S. mail, to each ASF Distribution Recipient, notifying the recipient of the ASF Recoupment Cash Option and providing such recipient with an election form. The election form shall explain that the amount of the cash payment shall be the total amount of their ASF Recoupment as shown on their ballot unless the aggregate amounts of ASF Recoupment for recipients wishing to participate in the ASF Recoupment Cash Option exceeds the ASF Recoupment Cash Option Cap, in which case the cash payment will be as set forth in Paragraph 3 below.
2. Each ASF Distribution Recipient shall have 35 days from the date on the election form (which shall be the date on which the election form is mailed) (the "Election Date") to return the election form to KCC. For an election form to be valid, it must be received by KCC by the Election Date.
3. The ASF Recoupment Cash Option shall be capped at \$30 million (the "ASF Recoupment Cash Option Cap"). If ASF Distribution Recipients timely return properly completed election forms by the Election Date that represent ASF Recoupment amounts that, in the aggregate, exceed the ASF Recoupment Cash Option Cap, then each such ASF Distribution Recipient will be permitted to participate in the ASF Recoupment Cash Option for his or her Pro Rata portion of the ASF Recoupment Cash Option Cap; such recipient's remaining portion of his or her ASF Recoupment amount will be annuitized as provided for in the Plan.
4. ASF Distribution Recipients who timely elect the ASF Recoupment Cash Option Cap shall be notified by GRS (the "Final Cash Payment Notice") of their final ASF Recoupment Cash Option amount following the Pro Rata analysis in Paragraph 3, which notice shall be mailed by the GRS no later than 14 days after the Election Date. ASF Distribution Recipients will be given the later of 90 days after the Effective Date or 50 days following GRS mailing of the Final Cash Payment Notice to make their payment. The payment must be by cashier's check or wire transfer. No personal checks will be accepted. If the payment is not timely wired or received by the deadline, GRS will notify the ASF Distribution Recipient of the failure to timely pay, and ASF Recoupment will be made through diminution of their monthly pension as currently provided in the Plan. The deadline will be absolute. There will be no exceptions for any reason for a late payment. The calculation of each electing ASF Distribution Recipient's ASF Recoupment Cash

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<sup>1</sup> Capitalized terms used herein and not defined have the meanings ascribed to them in the Plan.

Option payment amount shall not be adjusted under any circumstances, including as a result of any default by any other electing ASF Distribution Recipient to timely remit payment pursuant to the Final Cash Payment Notice.

**CERTIFICATE OF SERVICE**

I, Heather Lennox, hereby certify that the foregoing Stipulation Resolving Motion of the General Retirement System of the City of Detroit to Designate and Determine Additional Legal Issue Regarding Methodology for ASF Recoupment From Retirees [Docket No. 5478] was filed and served via the Court's electronic case filing and noticing system on this 7th day of July, 2014.

/s/ Heather Lennox \_\_\_\_\_