

**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
	:	
	:	
	X	
	:	
CITY OF DETROIT, MICHIGAN,	:	Chapter 9
	:	
Plaintiff,	:	Adversary Proceeding No. 14-04112
	:	
vs.	:	Hon. Steven W. Rhodes
	:	
DETROIT GENERAL RETIREMENT SYSTEM SERVICE CORPORATION, DETROIT POLICE AND FIRE RETIREMENT SYSTEM SERVICE CORPORATION, DETROIT RETIREMENT SYSTEMS FUNDING TRUST 2005, and DETROIT RETIREMENT SYSTEMS FUNDING TRUST 2006	:	
	:	
Defendants.	:	
	X	

**FIRST SET OF INTERROGATORIES TO THE CITY OF DETROIT
FROM DETROIT RETIREMENT SYSTEMS FUNDING TRUST 2005
AND DETROIT RETIREMENT SYSTEMS FUNDING TRUST 2006**

Wilmington Trust, National Association (“WTNA”), successor trustee for the above-captioned defendants (a) Detroit Retirement Systems Funding Trust 2005 (the “2005 Funding Trust”) and (b) Detroit Retirement Systems Funding Trust 2006 (the “2006 Funding Trust” and, together with the 2005 Funding Trust, the “Trust Defendants”), pursuant to the Bankruptcy Court’s August 14, 2014 Case Management Order (the “CMO”), serves this first set of interrogatories (these “Interrogatories”) pursuant to Rule 33 of the Federal Rules of Civil Procedure (the “Rules”), made applicable to the above-captioned adversary proceeding (this “Adversary Proceeding”) by Rule 7033 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

INSTRUCTIONS

A. In responding to these Interrogatories, furnish all information available to you, including information in the possession of your attorneys, or their investigators, and all persons acting on your behalf, and not merely such information known of your own personal knowledge.

B. If you find the meaning of any term in these Interrogatories to be unclear, you should assume a reasonable meaning, state what the assumed meaning is, and answer the Interrogatory on the basis of that assumed meaning.

C. If an Interrogatory cannot be answered in full, answer the Interrogatory to the extent possible and provide an explanation of why a complete

answer cannot be provided, including an explanation of all steps taken to obtain the requested information.

D. If you cannot respond fully, or if you object in part, to any of these Interrogatories, you are nevertheless required to respond to the remaining portion(s) to the extent you are capable of doing so.

E. In accordance with Rule 26(b)(5), made applicable in this Adversary Proceeding by Bankruptcy Rule 7026, where a claim of privilege is asserted in objecting to any Interrogatory or part thereof, and an answer is not provided on the basis of such assertion:

1. In asserting the privilege, the responding party shall, in the objection, identify with specificity, the nature of the privilege that is being claimed; and
2. With respect to a claim of privilege to a document or communication, the following information should be provided in the objection, if known or reasonably available, unless divulging such information would cause disclosure of the allegedly privileged information: (a) the type of document or communication; (b) the general subject matter of the document or communication; (c) the date of the document or communication; (d) such other information as is sufficient to

identify the document or communication, including, where appropriate, the participants in the communication and any relationship between or among the participants, and the author(s) (including the business or legal title(s) or position(s)), addressee (including the business or legal title(s) or position(s)), custodian, and any other recipient of the document, and, where not apparent, the relationship of the author, addressee, custodian, and any other recipient to each other, and (e) such other information to adequately justify the assertion of privilege.

F. The present tense includes the past and future tenses. The singular includes the plural, and the plural includes the singular. “All” means “any and all.” “Any” means “any and all.” “Including” means “including but not limited to.” “And” and “or” encompasses both “and” and “or.” Words in the masculine, feminine, or neuter shall include each of the other genders. The terms “all” and “each” shall be construed as all and each.

G. These Interrogatories shall be deemed to be continuing, and any additional information relating in any way to these Interrogatories or your original answers that is acquired subsequent to the date of responding to these Interrogatories, up to and including the time of trial, shall be furnished to the Trust

Defendants promptly after such information is acquired as supplemental responses to these Interrogatories.

H. Pursuant to the CMO, your responses are due within twenty (20) days.

DEFINITIONS

As used in these Interrogatories, the meanings ascribed to the following terms are to be interpreted in accordance with the below definitions.

1. All terms not otherwise defined herein shall have the meanings given to them in the *Answer with Affirmative Defenses and Counterclaims of Defendants Detroit Retirement Systems Funding Trust 2005 and Detroit Retirement Systems Funding Trust 2006 to Complaint for Declaratory and Injunctive Relief* (Adv. Pro. Doc. 10).

2. The term “Complaint” means the Complaint for Declaratory and Injunctive Relief (Adv. Pro. Doc. 1) filed in *City of Detroit v. Detroit General Retirement System Service Corporation, et al.*, Adv. Pro. No. 14-04112.

3. The terms “communication” and “communications” mean the transmittal of information by any means, whether orally or in writing.

4. The term “City” means the City of Detroit, Michigan.

5. The term “State” means the State of Michigan.

6. “Concerning” means regarding, relating to, referring to, describing, evidencing, reflecting, embodying, or constituting.

7. The terms “document” and “documents” shall be construed in the broadest possible sense consistent with Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure. The terms shall include any communications (as defined above), writings, drawings, graphs, charts, electronically stored information, photographs, photorecords, and other data compilations from which information can be obtained, and/or translated, if necessary, through detection devices into reasonably usable form. The term shall also include any removable “Post-It” notes or other attachments to any of the foregoing, as well as any file folders, folder tabs, or labels relating to such documents. A draft, annotated, or otherwise non-identical copy shall be considered a separate document.

8. The terms “person” and “persons” mean any natural person or persons, business or businesses, or legal or governmental entity, entities, association, or associations.

9. The term “personnel” means the Emergency Manager, the Office of the Emergency Manager, the City Council, and the Mayor, as well as any past or present divisions, departments, officials, trustees, agents, affiliates, employees,

attorneys, advisors, professionals, representatives, advisors, and consultants of the foregoing, and all other persons acting or purporting to act on their behalf.

10. “You” or “your” means the City and its personnel, as those terms are defined above, and shall include anyone acting on behalf of those parties, over whom the parties have control, or which is or may be subrogated to the parties’ interests, including, without limitation, any officer, agent, servant, employee, attorney, insurance company, investigator, independent adjusting company, or other person or entity.

11. “Identify” shall mean: (i) when used with reference to a natural person, to state his or her full name, position, and business affiliation at the time referred to, last known position and business affiliation, and last known residence and business address; (ii) when used with reference to an entity, to state its full formal name, last known address(es), telephone number(s), and organizational form (e.g., corporation, sole proprietorship, partnership, joint venture, etc.); and (iii) when used with reference to a document, to state the document’s title or name, beginning and ending bates number, date, author, addressee, other recipients, type and general subject matter, current location, and custodian.

12. The term “GRS” means the Detroit General Retirement System.

13. The term “PFRS” means the Police and Fire Retirement System.

14. The term “Retirement Systems” means the GRS and PFRS, collectively.

15. The term “GRS Service Corporation” means the Detroit General Retirement System Service Corporation, a nonprofit corporation that the City caused to be formed in or about April 2005.

16. The term “PFRS Service Corporation” means the Detroit Police and Fire Retirement System Service Corporation, a nonprofit corporation that the City caused to be formed in or about April 2005.

17. The term “Service Corporations” means the PFRS and the GRS Service Corporations, collectively.

18. The term “UAAL” means the unfunded accrued actuarial liabilities of the Retirement Systems.

19. The term “COPs” means the Certificates of Participation that were issued and sold to fund certain UAAL of the GRS and PFRS. Specifically, the term “2005 COPs Transaction” refers to the COPs that were issued and sold in 2005, and the term “2006 COPs Transaction” refers to the COPs that were issued and sold in 2006. The term “COPs Transactions” refers to the 2005 COPs Transaction and the 2006 COPs Transaction, collectively.

20. The term “Service Payments” means the periodic payments that the City obligated itself to make to the Service Corporations pursuant to certain service contracts that were part of the COPs Transactions.

21. The term “HRCA” refers to the Michigan Home Rule Cities Act, Mich. Comp. Laws §§ 117.1-117.38.

INTERROGATORIES

1. Identify all City personnel or other persons acting or purporting to act on behalf of the City who expressed support, either orally or in writing, for the proposed 2005 COPs Transaction at any point before the COPs were issued in 2005.

RESPONSE:

2. Identify all City personnel or other persons acting or purporting to act on behalf of the City who questioned the validity or legality, either orally or in writing, to the proposed 2005 COPs Transaction at any point before the COPs were issued in 2005.

RESPONSE:

3. Identify all City personnel or other persons acting or purporting to act on behalf of the City who expressed support, either orally or in writing, for the proposed 2006 COPs Transaction at any point before the COPs were issued in 2006.

RESPONSE:

4. Identify all City personnel or other persons acting or purporting to act on behalf of the City who questioned the validity or legality, either orally or in writing, to the proposed 2006 COPs Transaction at any point before the COPs were issued in 2006.

RESPONSE:

5. Identify all City personnel or other persons acting or purporting to act on behalf of the City who were asked to opine on the validity or legality of the COPs Transactions

RESPONSE:

6. Identify all City personnel or other persons acting or purporting to act on behalf of the City who were involved at any point from 2003 through 2006 in the consideration of any and all proposals for funding the UAAL of the Retirement Systems.

RESPONSE:

7. Identify all City personnel or other persons acting or purporting to act on behalf of the City who had some involvement in or responsibility for the approval of the COPs Transactions.

RESPONSE:

8. Identify all persons who are aware of, or have knowledge of, the services provided by or other activities of the Service Corporations from 2005 through the present.

RESPONSE:

9. Identify all City personnel or other persons acting or purporting to act on behalf of the City who were involved in, or have knowledge of, the decision to terminate the Service Payments.

RESPONSE:

10. Identify when the City first raised suspicions that the COPs Transactions, in its view, were invalid or illegal.

RESPONSE:

11. Identify when the City first reached the conclusion that the COPs Transactions, in its view, were invalid or illegal.

RESPONSE:

12. Identify when the City first communicated, orally or in writing, to any purchaser or holder of the COPs, the trustee, the successor trustee, the contract administrator, the successor contract administrator, and/or any insurance company that the COPs Transactions were invalid or illegal.

RESPONSE:

13. Identify all City and State personnel or other persons acting or purporting to act on behalf of the City or State who, prior to the time the COPs were issued, expressed the view, either orally or in writing, that the City was incurring net indebtedness as a result of the COPs Transactions that exceeded the municipal debt ceiling established by HRCA § 117.4a.

RESPONSE:

14. Identify all City or State personnel or other persons acting or purporting to act on behalf of the City or State who, prior to the time the COPs were issued, stated, either orally or in writing, that the COPs Transactions violated or potentially violated city, county, or state law, including the Constitution of the State of Michigan.

RESPONSE:

15. Identify all communications that you or State personnel sent or received from 2003 through the present that addressed, in whole or in part, the issue of the legality of the COPs Transactions under City, county, or State law, including the Constitution of the State.

RESPONSE:

16. Identify all City personnel or other persons acting or purporting to act on behalf of the City who, from 2003 through the present, had responsibility for calculating the City's net indebtedness pursuant to HRCA § 117.4a.

RESPONSE:

[Signature Page Immediately Follows]

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September 26, 2014

DRINKER BIDDLE & REATH LLP

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CERTIFICATE OF SERVICE

I, Heath D. Rosenblat, hereby certify that on this day I caused a true and correct copy of the foregoing *First Set Of Interrogatories To The City Of Detroit From Detroit Retirement Systems Funding Trust 2005 And Detroit Retirement Systems Funding Trust 2006* to be electronically filed, and to be thereby served upon the following:

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Dated: September 26, 2014

/s/ Heath D. Rosenblat
Heath D. Rosenblat