UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:	Case No. 13-53846
	Chapter 9
CITY OF DETROIT, MICHIGAN	Hon. Thomas J. Tucker
THE POLICE AND FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT, Plaintiff	A.P. NO. 20-04042-TJT
vs.	
INVESTMENT COMMITTEE OF THE POLICE AND FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT, Defendant	

JOINT STATUS REPORT

The parties submit the following Joint Status Report, as required by the Court's February 18, 2020 Order Scheduling a Status Conference (Dkt. No. 11).

1. Each Party's Desire to Engage in Mediation at This Time.

a. Plaintiff the Police and Fire Retirement System of the City of Detroit's ("PFRS") Position.

PFRS does not wish to engage in mediation at this time. Mediation is premature as the IC has not even yet filed an Answer to PFRS's Complaint, and the parties have not yet made their initial disclosures or conducted any discovery.

b. <u>Investment Committee of the Police and Fire Retirement System of the City of Detroit's (the "IC") Position</u>.

The IC concurred in the motion for facilitation and continues to favor mediation.

There are four individuals who sit both on PFRS's Board and also on the IC. At least one of those individual stated in an open meeting of the IC that he voted in favor of PFRS commencing this action.

General Counsel for the IC, which is subject to the Open Meetings Act, requested that those four individuals recuse themselves from the IC's closed sessions, to permit the IC to discuss litigation or settlement strategy with counsel and without PFRS representatives in the same room. The request was denied.

Counsel for the IC requested that PFRS's counsel meet to discuss the privilege and other issues presented by the decision of the four individuals to deny the recusal request, and the repercussions of their inclusion in closed sessions to discuss litigation. This request was denied.

Counsel for the IC is concerned about the productivity of settlement discussions if those four individuals do not recuse themselves (or are not excused by the mediator) from the IC's discussions during any mediation or facilitation.

Accordingly, to improve the potential for a successful mediation or facilitation, the IC's counsel requests that any mediator or facilitator contemplate the unique issues raised by these four individuals being on both sides of the litigation together

with the IC's obligations under the Open Meetings Act, and that any order address those issues by specifying that those four individuals be treated as a separate party to the litigation (neither the IC nor PFRS), or that they be excluded from the IC's "room" during closed discussions.

2. **Selection of Mediator from the Court's List of Volunteer Mediators.**

a. PRFS Selections.

Lisa Gretchko, Louis Rochkind or David Ruskin.

b. IC Selections.

Earle Erman, Julie Teicher or Howard Sher.

COUZENS, LANSKY, FEALK, ELLIS, ROEDER & LAZAR, P.C.

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Dated: February 24, 2020

BODMAN PLC

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Dated: February 24, 2020