

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF DETROIT,

Defendant.

Case No. 03-72258

Honorable Julian Abele Cook, Jr.

ORDER

On July 24, 2009, the Court entered an order which (1) accepted the resignation of Sheryl Robinson Wood as the independent monitor in this case, (2) suspended the immediate activities of the monitoring team until further notice, and (3) directed the parties to submit the name of a person who, in their collective judgment, would be qualified to serve as a successor in this highly sensitive position.

On July 30, 2009, the Court - after receiving input from the parties - determined that the selection and appointment of an interim monitor would not effectively further the ultimate goal of this litigation (i.e., full compliance with the two consent judgments by the City of Detroit). As a result, the Court continued its suspension of all monitoring activities in this case until such time as a successor monitor has been designated, with the caveat that the City of Detroit, through its law enforcement department, must continue to strive toward full compliance with all of the mandates within the two consent judgments.

Furthermore, the Court, acting upon recent discussions with both parties, now concludes that the previously established deadline of August 31, 2009 (which had been originally designated as the date when they would jointly submit their recommendation regarding a successor monitor) leaves an inadequate amount of time to complete the necessary vetting process for this highly sensitive position. Accordingly, the parties shall collectively (1) submit a written report to the Court not later than August 31, 2009 which will outline their progress to date with reasonable specificity that has been undertaken by them in their effort to obtain the identity of a qualified person to serve as the successor monitor¹ and (2) proffer the name of the person to the Court on or before September 30, 2009 who, in their judgment, is qualified to serve as the successor monitor in this case.

In an additional effort to facilitate the transition to a successor monitor, the Court directs the current monitoring team to prepare a closing memorandum that will identify any work which has been completed between the date of the filing of the twenty third quarterly status report on July 16, 2009 and July 24, 2009 (the date of the temporary suspension of the monitoring in this case). A draft of this closing memorandum shall be submitted to the parties on or before August 31, 2009. Thereafter, the parties shall have a period of seven days in which to review and comment on the draft memorandum prior to its submission to the Court on September 8, 2009. An hourly fee of \$287.50, which the Court had found to be a reasonable (Doc. #317), shall be paid for the work that

¹The parties have also advised the Court that they have drafted a Request for Proposals (“RFP”) document which is designed to solicit applications from those individuals and groups who may wish to apply to serve as the successor monitor in this litigation. The Court directs that (1) the RFP be issued jointly by the City of Detroit and the Department of Justice not later than August 14, 2009 and (2) the parties allow a period of fourteen days period thereafter in which responses to the RFP can be submitted by interested persons.

is required to complete this draft memorandum. Joseph Buczek, a monitor team member with Marsh & McLellan Companies, Inc. who has agreed to obtain information from the other team members, shall also submit to the Court the total number of hours worked by each team member in conjunction with this draft memorandum. If the submission of hours and fees is approved by the Court, those individuals who have been identified as having expended their time in the preparation of the closing memorandum, shall be compensated with funds from the escrow account in this case.

Finally, on July 24, 2009, the Court determined that all documents which have any relationship to any monitoring activities in this case, including those under the control of Sheryl Robinson Wood, be turned over to Marsh & McLennan Companies, Inc. However, the parties have informed the Court that these above-referenced documents have been placed in a secure location at the Venable, L.L.P. law firm (750 East Pratt Street, Suite 900, Baltimore, Maryland 21202). On the basis of the parties' representations, the Court accepts their assurances that the documents are safe and secure from theft, loss, vandalism and any unwarranted intrusion by unauthorized persons. Hence, the Court concludes that these documents shall remain at the Venable, L.L.P. law firm until further order, and, in so doing, does modify its order of July 24th to conform with this new directive. Furthermore, any other documents in the possession of the monitor team members shall be retained by them in a secure manner until further order of the Court.

IT IS SO ORDERED.

Dated: August 11, 2009
Detroit, Michigan

S/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on August 11, 2009.

s/ Kay Doaks
Case Manager