

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

)	
THE CITY OF HARRISBURG, PA,)	Bankruptcy No. 11-6938 (MDF)
)	
Purported Debtor.)	Chapter 9
)	

**CITY OF HARRISBURG’S EMERGENCY REQUEST FOR
STATUS CONFERENCE PURSUANT TO 11 U.S.C 105(d)(1)**

The City of Harrisburg, through its Mayor, the Honorable Linda D. Thompson, by and through its counsel, Tucker Arensberg, P.C., requests that this Court conduct an emergency status conference pursuant to 11 U.S.C. 105(d)(1):

1. On October 11, 2011, four members of the City Council of Harrisburg purported to authorize the filing of a bankruptcy petition under Chapter 9 of the United States Bankruptcy Code by the City of Harrisburg (the “City”).

2. As will be explained in pleadings to be filed shortly, the Petition purportedly filed by the City is invalid because, *inter alia*, it was filed without the requisite authority.

3. As will be demonstrated by the City, this invalid bankruptcy petition must be dismissed.

4. The City requests that this Court conduct an immediate status conference to address the following issues:

- a. Scheduling an emergency hearing on dismissal of this bankruptcy case and motion/objection practice with respect thereto;
- b. Whether City Council, and the attorney selected by City Council, Mark D. Schwartz, Esquire, were authorized to file this case and are authorized to continue to file pleadings on behalf of the City;
- c. Why this Court should not enter an Order for Relief;

- d. Prevention of additional *ultra vires* acts by those purporting to represent and/or act upon the behalf of the City; and
- e. The harm to the City by this improper filing and the need for expedited procedures before this Court to resolve whether City Council and Attorney Schwartz had authority to file this case and why the requirements for proceeding under Chapter 9 have not been met.

5. The City is extremely concerned that members of City Council and Attorney Schwartz will attempt to further perpetuate this unauthorized Bankruptcy Case to the detriment of the City, its creditors and other stakeholders in blatant disregard of the proper procedures for the functioning of the City in derogation of the representative form of government in the City.

WHEREFORE, the City respectfully requests that this Honorable Court schedule an immediate status conference, telephonically if necessary, to address these issues and that the Court grant the City such further relief as is just and proper.

Respectfully submitted,

/s/ Kenneth W. Lee, Esquire

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