

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In re:)	Case No. 11-20059-SVK
)	
ARCHDIOCESE OF MILWAUKEE,)	Chapter 11
)	
Debtor.)	Hon. Susan V. Kelley
)	

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' PARTIAL
OPPOSITION TO DEBTOR'S MOTION FOR ORDER AUTHORIZING
CONFIDENTIALITY PROCEDURES TO PROTECT VICTIMS/SURVIVORS [DOCKET
NO. 165]**

The Official Committee of Unsecured Creditors of the Archdiocese of Milwaukee (the "Committee") hereby opposes, (the "Opposition"), the *Debtor's Motion for Order Authorizing Confidentiality Procedures to Protect Victims/Survivors* (the "Motion") [Docket No. 165]. The Motion seeks to excuse the Debtor from filing required schedules, a mailing matrix and proofs of service and further seeks to preclude any meaningful role by the Committee, the Court, or the U.S. Trustee in ensuring that all survivors of sex abuse who may assert claims against the Debtor ("Survivors") receive adequate notice in this case, subject to confidentiality protocols. The Motion also proposes that the Debtor be permitted to serve certain Survivors by proxy rather than serving them directly. The Committee objects to these unprecedented requests.

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The Committee *does not* object to the limited notice procedure proposed in the Motion, provided that the Debtor files certificates of service of such notices with the Court under seal, makes unredacted versions of the certificates of service available to the Committee, and provides notice to all Survivors that they may receive unlimited notice in the case upon request.

INTRODUCTION

1. By the Motion, the Debtor seeks authority to omit Survivors from its creditor matrix, Schedule F, and Statement of Financial Affairs, never file complete sets of these documents with the Court (even under seal), and deny access to this information to the U.S. Trustee and the Committee for any purpose. *See* Motion at ¶¶ 21 and 26.¹ The Committee objects to this request.

2. The Debtor also seeks permission to serve certain Survivors through third parties who would not be required to file certificates of service, but would instead submit records of service to the Debtor. The Debtor would then “retain” these records and would only file certificates of service omitting the names of the Survivors that were purportedly served so that neither the Court, the Committee nor the U.S. Trustee will have any information on who is actually being served and no oversight over the process. Motion at ¶¶ 28-35. The Committee objects to this request.

3. The Debtor also seeks approval of the Notice of Filing, described in paragraph 27 of the Motion and attached thereto, and asks permission to serve the Notice of Filing on certain Survivors. The Notice of Filing would inform the Survivors that the Debtor will omit the Survivors’ names from the creditor matrix, Schedule F and the Statement of Financial Affairs and will not file complete sets of those documents with the Court. The Notice

¹ The Committee is citing the specific paragraphs in the Motion in order to assist the Court and interested parties. The Committee is not limiting its objections to these specific paragraphs but instead is objecting to the proposals that are described in these paragraphs specifically and in the Motion generally.

of Filing would also describe the third party notice procedure proposed in the Motion. The Committee objects to this request.

4. The relief sought by the Debtor is unprecedented. In other church bankruptcy cases involving sex abuse, survivors have been shielded from public disclosure of their identities without undermining transparency and accountability. Redacted and sealed filings, along with confidentiality protocols, have successfully shielded sex abuse claimants from public disclosures in other bankruptcy cases filed by Catholic diocese. The Court should implement those established methods in this case.

5. The Committee does not object to the Debtor's request to provide limited notice to Survivors, provided that complete certificates of service are filed under seal and submitted to the Committee and other interested parties pursuant to a confidentiality protocol and all Survivors receive notice that they may opt-out of the limited notice procedures and receive full notices of all matters required to be served on creditors. These limited notice procedures, to which the Committee does not object, are described in the Motion at ¶¶ 23-25.

ARGUMENT

A. **The Survivors' Confidentiality Can Be Preserved Without Undermining Transparency and Accountability**

6. Section 107(a)² reflects the common law rule that documents filed with a federal court are public. *In re Nunn*, 49 B.R. 963, 964 (Bankr. D. Va. 1985) (“This [section 107(a)] is merely a codification of the common law general right to inspect judicial records and documents.”) (citing *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597-98 (1978)). See also *In re Hemple*, 295 B.R. 200, 202 (Bankr. D. Vt. 2003) (the Bankruptcy Code's disclosure mandate applies to “all documents in a bankruptcy case.”). Cf. *In re Robert Landau Associates, Inc.*, 50 B.R. 670, 677 (Bankr. S.D.N.Y. 1985) (“The policy of open inspection, established in the Code itself through section 704(7) and F.R.B.P. 5005 and 5007, is fundamental to the

² Section references are to title 11 of the United States Code (the “Bankruptcy Code.”).

operation of the bankruptcy system and is the best means of avoiding any suggestion of impropriety that might or could be raised.”) (citation and quotation omitted).

7. Section 107(a) states:

Except as provided in subsection (b) and (c)³ of this section and subject to section 112,⁴ a paper filed in a case under this title and the dockets of a bankruptcy court are public

records and open to examination by an entity at reasonable times without charge.

11 U.S.C. § 107(a).

8. Section 107(b) states the exceptions to this rule:

On request of a party in interest, the bankruptcy court *shall*, and on the bankruptcy court’s own motion, the bankruptcy court may –

- (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or
- (2) protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title.

11 U.S.C. § 107(b) (emphasis added). *See* Bodoh and Morgan, “Protective Orders in the Bankruptcy Court: The Congressional Mandate of Bankruptcy Code Section 107 and its Constitutional Implications,” 24 *Hastings Constitutional Law Quarterly* 67 (Fall 1996):

Like trade secrets, the authority to protect persons from scandalous or defamatory material has been entrusted to the courts for well over a century. Therefore, subsection 107(b)(2) did not introduce a novel concept into our jurisprudence. Quite the contrary. The tradition of shielding individuals from the adverse effects of scandalous and defamatory material contained in judicial records and documents is firmly rooted in our legal heritage.

³ Section 107(c) intends to prevent identity theft.

⁴ Section 112 controls the disclosure of information relating to minor children.

24 Hastings Const. L.Q. at 79 (quotations and citations omitted)

9. Rule 9019 of the Federal Rules of Bankruptcy Procedure defines the procedures by which a party may move for relief under 11 U.S.C. § 107(b) and provides in relevant part:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires ... to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code[.]

Fed. R. Bankr. P. 9018.

10. With respect to the Debtor's obligation under section 521 to file a creditor matrix, schedules, and statements of financial affairs, Rule 1007(j) of the Federal Rules of Bankruptcy Procedure provides:

(j) Impounding of lists

On motion of a party in interest and for cause shown the court may direct the impounding of the lists filed under this rule, and may refuse to permit inspection by any entity. The court may permit inspection or use of the lists, however, by any party in interest on terms prescribed by the court.

Fed. R. Bankr. P. 1007(j).

11. The Committee agrees that the foregoing statutory provisions and rules empower this Court to shield the Survivors from public disclosure of their identity.

12. Once it is determined or conceded that a matter to be filed with the Court is "scandalous or defamatory," most courts treat protection as mandatory given that section 107(b) states that on motion, the court "shall" issue a protective order. *See Video Software Dealers Association v. Orion Pictures Corp., et al. (In re Orion Pictures Corporation)*, 21 F.3d 24, 27 (2nd Cir. 1994) ("[I]f the information fits any of the specified categories [of section 107(b)], the court is *required* to protect a requesting interested party and has no discretion to deny the application.") (emphasis in original). *Accord In re Handy Andy Home Imp. Center, Inc.*, 199 B.R. 376 381 (Bankr. N.D. Ill. 19956); *Phar-Mor, Inc. v. Defendants Named Under*

Seal (In re Phar-Mor, Inc.), 191 B.R. 675, 679 (Bankr. N.D. Ohio 1995). A minority of courts, nonetheless, treat section 107(b) orders as discretionary. See *In re Sherman-Noyes & Prairie Apartments Real Estate Investment*, 59 B.R. 905, 909 (Bankr. N.D. Ill. 1985) (holding protective order under Rule 9018 is discretionary and should only be entered where actually necessary to prevent a party from harm); *Nunn*, 49 B.R. at 964.

13. At least one court has also recognized its inherent authority to preserve confidentiality, regardless of whether the facts fit the section 107(b) categories. See, e.g., *Robert Landau Associates*, 50 B.R. at 677 (“This court holds that it possesses the inherent authority to seal testimony and enter an order of confidentiality along the lines of the one issued here”).

14. Whether the confidentiality protections are mandatory, discretionary, or inherent, courts agree that closing documents from public view must be fashioned in the “least intrusive way.” *Phar-Mor*, 191 B.R. at 678. See also *Nunn*, 49 B.R. at 964 (“[F]or the Court to enter a protective order, limitation of access must not only be an appropriately responsive remedy, but also, there can be no less drastic alternative available.”); *In re Taiyo Corp.*, 1993 WL 13003867 *2 (Bankr. S.D. Ga. 1993) (an order under section 107 “should be limited in scope and restricted to the minimal interference with public access”).

15. The Debtor’s proposal to never file a complete creditor matrix, Schedule F, statement of financial affairs, or certificates of service is not the “least intrusive way” to protect Survivors’ identity. Requiring documents revealing the identity of Survivors to be filed under seal is a “less drastic alternative available” in this case.

(1) The Debtor’s Proposal Unnecessarily Undermines Transparency and Accountability

16. The Debtor is essentially asking the Court to relieve it of its statutory obligation to file a creditor matrix. 11 U.S.C. § 521. Even if the Court had the authority to waive section 521 – and the Debtor cites no such authority – it should not do so given the importance of this filing requirement and given that confidentiality can be preserved in a less intrusive manner. See *In re O’Shaughnessy*, 252 B.R. 722, 729 (Bankr. N.D. Ill. 2000) (“The

purpose of requiring a debtor to list creditors with their proper mailing addresses is to afford those creditors basic due process notice.”) (quotations and citations omitted). *See also Bonner v. Adams (In re Adams)*, 734 F.2d 1094, 1103 (5th Cir. 1984) (“It is clear that one of the primary purposes of the list of creditors in the schedules is to provide to the court information as to persons entitled to notice.”). “This obligation to list all creditors' names and addresses is part of the debtor's duty of full disclosure that is the *quid pro quo* for the fresh start provided by the discharge.” *In re Hicks*, 184 B.R. 954, 957 (C.D. Cal. 1995). The Debtor’s proposal to neither file a creditor matrix nor disclose the Survivors it, in its sole discretion, determines it is appropriate to serve, to either the Court, the Committee or the U.S. Trustee, threatens to undermine creditor confidence in the Debtor’s reorganization efforts. *Cf., Gitto v. Worcester Telegram & Gazette Corp. et al. (In re Gitto Global Corp.)*, 422 F.3d 1, 7 (1st Cir. 2005) (stating that debtor disclosure “fosters confidence among creditors regarding the fairness of the bankruptcy system.”). As set forth below, this toll on creditor confidence is not necessary to preserve confidentiality.

17. The Debtor is also seeking authority from the Court to severely compromise the “vibrant and central” role that the Bankruptcy Code requires the Committee to play in this case. *Official Comm. of Unsecured Creditors of Cybergenics Corp. ex rel. Cybergenics Corp. v. Chinery*, 330 F.3d 548, 563 (3d Cir.) (en banc), *cert. denied*, 540 U.S. 1002 (2003) (describing Committee’s role in the bankruptcy case as “vibrant and central”). *See also In re Penn-Dixie Indus., Inc.*, 9 B.R. 941, 944 (Bankr. S.D.N.Y. 1981) (“Committees' powers under Section 1103(c) constitute a wide and important array of authority and responsibility in a Chapter 11 case.”) (quotations and citations omitted).

18. The Committee cannot effectively represent creditors’ interests if it does not know who the creditors are. For example, it is impossible to “solicit and receive comments” from creditors as required by section 1102(b)(3)(B) if their names are withheld from the Committee. Nor can the Committee fulfill its role as “watch dog” if it cannot ensure as basic a right as adequate notice. The Motion contemplates that Survivors who have participated in

mediation will receive some form of limited notice by proxy only and that Survivors who are represented by counsel will be noticed through counsel. However, the Motion does not reveal any other categories of Survivors, if any, who will receive notice of any kind. For example, and not by way of limitation, the Debtor does not give any assurance that notice will be provided to Survivors who have reported abuse to the Debtor but not filed lawsuits or retained counsel, and to Survivors whose perpetrators have admitted abusing them when the Debtor conducted interviews, but who may not have either participated in the mediation or be represented by counsel. The Committee and counsel that represent the Survivors in various state court lawsuits against the Debtor may also have knowledge of the identity of Survivors that are unknown to the Debtor. The Motion provides no procedure for allowing the Committee or counsel for the represented Survivors to ensure that broad and proper notice is given to all known Survivors.

19. The Committee is entitled to review the creditor matrix and confirm that all Survivors, including those who are not described in the Motion, will be included in the creditor matrix and will have an opportunity to participate in this case. If the Committee is barred from reviewing the matrix, the Committee will be precluded from confirming that the Debtor is providing adequate notice to all Survivors.

(2) Service Should Not Made Through Proxies and Proofs of Service Under Seal Should Be Filed With the Court

20. The Debtor proposes serving certain Survivors through third party proxies. Motion at ¶¶ 28-35. It also requests permission to not file proofs of service that would establish proper service on Survivors. The Debtor provides no authority for this unusual and seemingly unprecedented procedure.

21. The proposal to serve Survivors through proxies is claimed by the Debtor to be derivative of the notice procedures that were employed in the Mediation Program.⁵ Notice procedures employed in a mediation have no application or relevance to the notice procedures

⁵ The term, Mediation Program, is defined in the *Debtor's Motion for an Order Pursuant to Section 363(b) of the Bankruptcy Code to (1) Continue Paying Certain Psychological Counseling and Therapy for Victims/Survivors, (2) Honor Certain Pre-Petition Settlement Agreements, and (3) Participate in Voluntary Mediations with Two Victims/Survivors and Pay Any Costs Incident Thereto (Docket No. 166).*

required in a bankruptcy case. As set forth above, adequate notice to creditors is critical to the successful administration of a bankruptcy case.

22. The Committee also has substantial concerns with the fairness of the Mediation Program itself, as set forth more fully in *The Official Committee of Unsecured Creditors' Partial Opposition to Debtor's Motion for an Order Pursuant to Section 363(B) of the Bankruptcy Code To (1) Continue Paying Certain Psychological Counseling and Therapy for Victims/Survivors, (2) Honor Certain Pre-Petition Settlement Agreements, and (3) Participate in Voluntary Mediations With Two Victims/Survivors and Pay any Costs Incident Thereto*, filed concurrently herewith.

23. Critically, the Debtor's proposal to serve certain Survivors through proxies and to be excused from filing proofs of service allows the Debtor to control all aspects of noticing Survivors without any oversight by the Court or the Committee. The resulting lack of transparency and accountability would at the very least undermine creditor confidence in the process and unnecessarily hamstring the Committee. It also increases the risk that Survivors would not receive adequate notice without anyone ever knowing about it.

24. Notice to Survivors should not be delegated to third parties proxies and proof of service should be filed with the Court under seal. The complete proofs of service should also be provided to the Committee and the U.S. Trustee, subject to confidentiality protocols.

(3) The Court Should Not Approve the Notice of Filing

25. In the Motion,, the Debtor asks the Court to approve the Notice of Filing that is attached to the Motion. Motion at ¶ 27. The Notice of Filing describes the Debtor's proposal to omit the Survivors from the creditor matrix, Schedule F, and the Statement of Financial Affairs. It also describes the Debtor's proposal to use proxies for service on Survivors and to not file complete certificates of service with the Court. Because those procedures should not be approved by this Court, no notice of these procedures should be provided to the Survivors.

(4) A "Less Drastic Alternative" is Available in the Form of Sealed Filings with Disclosure to Interested Parties Subject to Confidentiality

26. The Debtor acknowledges that in other church bankruptcy cases, bankruptcy courts have successfully preserved confidentiality by authorizing the Debtor to file a creditor matrix, schedules and other documents under seal, rather than excusing the filings altogether. Motion at ¶ 40. *See e.g. Order Granting Debtor's Motion Authorizing Debtor to File Portions of Schedule F, the Master Mailing List and Other Pleadings and Documents Under Seal and Related Relief*, entered in the bankruptcy case of the Catholic Bishop of Northern Alaska, U.S. Bankruptcy Court, District of Alaska, Case No. F08-00110-DMD [Docket No. 61], attached hereto as **Exhibit A**; *Stipulated Order Under 11 U.S.C. § 107 and Fed. R. Bankr. P. 1007(j) and 9018 Authorizing Debtor to File Portions of Schedule F, the Master Mailing List and Other Pleadings and Documents Under Seal and Related Relief*, entered in the bankruptcy case of the Diocese of Davenport, U.S. Bankruptcy Court, Southern District of Iowa, Case No. 06-02229-11 [Docket No. 39], attached hereto as **Exhibit B**; *Order Under 11 U.S.C. § 107 and Fed. R. Bankr. P. 1007(j) and 9018 Authorizing Debtor to File Portions of Schedules F and D, the Master Mailing List and Other Pleadings and Documents Under Seal and Related Relief*, entered in the bankruptcy case of the Roman Catholic Church of the Diocese of Tucson, U.S. Bankruptcy Court, District of Arizona, Case No. 4-04-04721-JMM [Docket No. 35], attached hereto as **Exhibit C**; *Order Authorizing Debtor to File Portions of Schedule F, Master Mailing List and Other Pleadings and Documents Under Seal and Related Relief*, entered in the bankruptcy case of the Catholic Bishop of Spokane a/k/a the Catholic Diocese of Spokane, U.S. Bankruptcy Court, Eastern District of Washington, Case No. 04-08822-PCW11 [Docket No. 18], attached hereto as **Exhibit D**.

27. The confidentiality interests of the Survivors can be protected by an order that is similar to the orders issued in prior Church bankruptcy cases where the courts have uniformly found that requiring filings under seal is sufficient. The Debtor has not cited a single authority where the extraordinary relief it seeks has been granted nor does it articulate why filing documents under seal would not protect the identity of the Survivors.

CONCLUSION

Exhibit A

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA

CATHOLIC BISHOP OF NORTHERN ALASKA,
an Alaska religious corporation sole,
Debtor.
Case No. F08-00110-DMD
(Chapter 11)

ORDER GRANTING DEBTOR'S MOTION AUTHORIZING DEBTOR TO FILE PORTIONS OF SCHEDULE F, THE MASTER MAILING LIST AND OTHER PLEADINGS AND DOCUMENTS UNDER SEAL AND RELATED RELIEF

This matter came before the Court on Motion of the Catholic Bishop of Northern Alaska, an

Alaska religious corporation sole, the debtor and debtor-in-possession ("CBNA" or the "Debtor") in the above captioned Chapter 11 reorganization case (the "Reorganization Case"). In the Motion, the Debtor seeks an Order pursuant to 11 U.S.C. § 107(b) and Fed. R. Bankr. P. 1007(j) and 9018 authorizing the Debtor to file portions of Schedule F, the Master Mailing List and any other pleadings, reports or other documents, under seal, that might be filed from time to time in the Reorganization Case, which disclose the names of claimants who allege that they were sexually abused, and authorizing the Debtor to provide copies of the sealed portions of any such pleadings, reports, or documents to the Office of the United States Trustee. Based upon the Motion, the entire record in this Reorganization Case and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

- A. The Motion of the Debtor is approved on the terms contained in this Order.
- B. The Debtor shall maintain the confidentiality of the identities of claimants of sexual abuse including names of claimants and any other identifying information such as a social security number, address, telephone number, names of close relatives, e-mail addresses, or other similar information (the "Confidential Identifying Information").
- C. The Debtor is authorized to file portions of Schedule F, the Master Mailing List and any other pleadings, reports or other documents that might be filed from time to time in the Reorganization Case containing the Confidential Identifying Information (collectively, the "Sealed Pleadings") under seal pursuant to 11 U.S.C. § 107(b) and Fed. R. Bankr. P. 1007(j) and 9018.
- D. Notwithstanding the foregoing, (1) the Debtor is authorized and directed to provide the Sealed Pleadings to the Office of the United States Trustee and the United States Trustee is authorized to use the Sealed Pleadings in discharge of its duties and obligations under Title 11 and 28 of the United States Code, including, but not limited to, the solicitation and appointment of any

committee appointed under Title 11, United States Code, Section 1102; and (2) the Debtor is authorized and directed to provide the Sealed Pleading to counsel for any committee appointed under Title 11, U.S.C. § 1102, but only after confidentiality procedures are agreed upon by the Debtor, United States Trustee, and counsel for any committee appointed in this case. Should the parties be unable to jointly agree upon confidentiality procedures, the matter shall be submitted to the court.

E. The Debtor, United States Trustee and counsel for any committee shall seek agreement on which members of any committee (chair or all members) shall be entitled to receive Sealed Pleadings, and under what conditions this receipt may occur. Should the parties be unable to jointly agree upon these issues, the matter shall be submitted to the court.

F. If any party files a pleading, report or other document that contains the Confidential Identifying Information, that party must file the original pleading containing the Confidential Identifying Information under seal as follows: (i) For CM/ECF participants, the sealed documents must be filed in accordance with AK LBR 5005-4(g)(1)[B] and the CM/ECF Administrative Procedure Guide; (ii) For all other parties, the sealed documents must be delivered to the Clerk's Office in a sealed envelope. A copy of the Court's order authorizing the sealing of the documents must be attached to the outside of the envelope. If the documents are voluminous (more than 25 pages), the party is strongly encouraged to submit the document on a disc in pdf or other format. The party filing the pleading, report or other document containing the Confidential Identifying Information must serve a copy of the unredacted version on the Debtor and the affected party.

G. Any party may file a motion to file a pleading, report, or document under seal (the "Motion to Seal"); the party filing the Motion to Seal shall serve the Motion to Seal on the parties on the Official Limited Service List; the moving party shall provide at least 48 hours notice of the

Motion to Seal, but nothing in this Order will preclude the Court, in its discretion, from acting on the Motion to Seal ex parte, with or without a hearing.

H. Nothing in this Order, shall constitute a waiver with respect to matters contained in this Order, including, without limitation, a waiver of the right to object to the standing of any party, a waiver of the right to oppose the Motion to Seal under Paragraph F, or a waiver of the right to request that a document be unsealed.

I. This Order is without prejudice to any confidentiality protocol regarding filing of proofs of claim and objections to proofs of claim.

J. The Debtor, its officers, employees and agents are authorized to take such acts as are necessary and appropriate to implement and effectuate the relief granted herein.

K. The Court shall retain jurisdiction over any matters arising from or related to the implementation or interpretation of this Order.

DATED this 5th day of March, 2008.

By: Donald MacDonald IV
DONALD MacDONALD IV
U.S. Bankruptcy Judge

Serve: S. Boswell, Esq.
M. Mills, Esq.
K. Hill, Esq.
C. Cooke, Esq.
J. Stang, Esq.
D. Bundy, Esq.
Case Mgr.

03/06/08

Exhibit B

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

IN RE
DIOCESE OF DAVENPORT,

Debtor.

)
)
) Case No. 06-02229-11
)
) Chapter 11
)
) Honorable Lee M. Jackwig
)
) *Date entered on docket: 10/26/2006*

**STIPULATED ORDER UNDER 11 U.S.C. § 107 AND FED.R. BANKR.P.1007 (J) AND
9018 AUTHORIZING DEBTOR TO FILE PORTIONS OF SCHEDULE F,
THE MASTER MAILING LIST AND OTHER PLEADINGS AND
DOCUMENTS UNDER SEAL AND RELATED RELIEF**

This matter came before this Court on motion of The Diocese of Davenport, an Iowa non-profit corporation, and the debtor and debtor-in-possession (the "Debtor" or "Diocese") in the above Chapter 11 case (the "Reorganization Case") In the Motion, the Diocese seeks an Order pursuant to 11 U.S.C. § 107 and Fed.R.Bankr.P. 1007 (j) and 9018 authorizing the Diocese to file portions of Schedule F, the Master Mailing List and any other pleadings, reports or other documents that might be filled from time to time in the Reorganization Case which discloses the name of previously undisclosed victims of abuse under seal and authorizing the Diocese to provide copies of the sealed portion of any such pleadings, reports or documents to the Office of the United States Trustee (the "Motion"). This Order has been stipulated and agreed to by the Debtor and the Office of the U.S. Trustee. Based upon the Motion, the entire record in this Reorganization Case, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- A. The Motion is Approved.
- B. The Diocese shall prepare a Master Anonymous Claimants List ("MACL") which shall be filed under seal. The MACL shall identify known claimants who have not previously disclosed their names publicly in other court proceedings. The MACL shall identify each of the anonymous known claimants and their last-known address. The MACL shall assign to each such

known claimant a "Doe number." The MACL, when received by the Clerk, shall be filed on the docket and shall be immediately sealed until further order of this Court. A copy of the MACL shall be forwarded to the office of the U.S. Trustee.

C. As any future Claimants become known or come forward to participate in this case, and to the extent that such claimants desire to remain anonymous, the claimants shall provide their name and address to counsel for the Debtor and counsel for the Debtor shall add the claimant's name to the MACL and shall file an amended MACL under seal and provide a copy to the office of the U.S. Trustee.

D. All future pleadings, documents, claims and other materials filed with the Court in this case shall refer to any anonymous claimants by referring to their Doe number so as not to reveal their identity. The service of any pleadings, papers or other matters which are to be served on any anonymous claimants pursuant to the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, shall be served on such anonymous claimants by Debtor's counsel and Debtor's counsel shall thereafter file a certificate of service with the Clerk, indicating that service has been made on anonymous claimants by referring to their respective Doe numbers.

E. The Master Anonymous Claimant List shall not be disclosed except as otherwise provided herein or pursuant to a further Order of the Court.

/s/ Lee M. Jackwig

Lee M. Jackwig,
Chief Bankruptcy Judge

Prepared and submitted by:
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Approved as to form and content:

/s/ James L. Snyder
James L. Snyder, Assistant U.S. Trustee

/s/ Richard A. Davidson
Richard A. Davidson, Attorney for Debtor

Parties receiving this Order from the Clerk of Court:
Electronic Filers in this Chapter Case

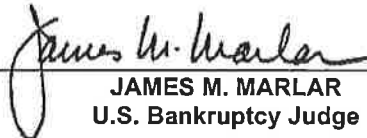
Exhibit C

THIS ORDER IS
APPROVED.



Dated: September 27, 2004

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JAMES M. MARLAR
U.S. Bankruptcy Judge

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7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **FOR THE DISTRICT OF ARIZONA**

10 In re:

11 THE ROMAN CATHOLIC CHURCH OF
12 THE DIOCESE OF TUCSON *aka* THE
13 DIOCESE OF TUCSON, an Arizona
14 corporation sole,

Debtor.

In Proceedings Under Chapter 11

Case No. 4-04-04721-JMM

[No Hearing Required]

15 **ORDER UNDER 11 U.S.C. § 107 AND FED. R. BANKR. P. 1007(J) AND 9018**
16 **AUTHORIZING DEBTOR TO FILE PORTIONS OF SCHEDULES F AND D, THE**
17 **MASTER MAILING LIST AND OTHER PLEADINGS**
18 **AND DOCUMENTS UNDER SEAL AND RELATED RELIEF**

18 This matter came before the Court on Motion of the Roman Catholic Church of the
19 Diocese of Tucson *aka* the Diocese of Tucson, an Arizona corporation sole and the debtor and
20 debtor in possession (the "Diocese" or the "Debtor") in the above captioned Chapter 11 case (the
21 "Reorganization Case"). In the Motion the Diocese seeks an *ex parte* Order pursuant to 11
22 U.S.C. § 107 and Fed. R. Bankr. P. 1007(j) and 9018 authorizing the Diocese to file portions of
23 Schedule F, Schedule D, the Master Mailing List and any other pleadings, reports or other
24 documents that might be filed from time to time in the Reorganization Case which discloses the
25 names of victims of abuse under seal and authorizing the Diocese to provide copies of the sealed
26 portions of any such pleadings, reports or documents to the Office of the United States Trustee

1 (the "Motion"). Based upon the Motion, the entire record in this Reorganization Case and good
2 cause appearing,

3 IT IS HEREBY ORDERED ADJUDGED AND DECREED as follows:

- 4 A. The Motion is Approved.
- 5 B. The Diocese is hereby authorized to file portions of Schedule F, Schedule D, the
6 Master Mailing List and any other pleadings, reports or other documents that might be filed from
7 time to time in the Reorganization Case disclosing the names victims of sexual abuse under seal.
- 8 C. The Diocese shall provide copies of the sealed pleadings, reports or other
9 documents, including, but not limited to, Schedule D, Schedule F and the Master Mailing List to
10 the Office of the United States Trustee.
- 11 D. The Office of the United States Trustee shall not publish or otherwise disclose the
12 information provided to it by the Diocese which has otherwise been filed under seal without
13 further order of the Court after notice.

14 DATED: _____
15 _____
16 _____
17 UNITED STATES BANKRUPTCY JUDGE


18 PRESENTED BY:
19 QUARLES & BRADY STRECH LANG LLP
20
21 By: 
22 Susan G. Boswell
Kasey C. Nye
23 Proposed Attorneys for Debtor,
24 The Roman Catholic Church of the Diocese of Tucson
25
26

Exhibit D

1 MICHAEL J. PAUKERT
2 SHAUN M. CROSS
3 PAINE, HAMBLLEN, COFFIN,
4 BROOKE & MILLER LLP
5 717 W. Sprague Avenue Suite 1200
6 Spokane, WA 99201-3505
7 (509) 455-6000
8 Proposed Attorneys for the Debtor

DEC 6 04pm 3:24 USBCEN

9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF WASHINGTON

11 In Re:)
12) Case No. 04-08822-PCW11
13 THE CATHOLIC BISHOP OF)
14 SPOKANE a/k/a THE CATHOLIC) ORDER AUTHORIZING DEBTOR
15 DIOCESE OF SPOKANE, a) TO FILE PORTIONS OF SCHEDULE F
16 Washington corporation sole,) ~~AND~~ MASTER MAILING LIST AND
17 Debtor.) OTHER PLEADINGS AND
18) DOCUMENTS UNDER SEAL AND
19) RELATED RELIEF

18 This matter came before the Court on the Ex Parte Motion of The Catholic Bishop
19 of Spokane a/k/a The Catholic Diocese of Spokane, a Washington corporation sole, and the
20 debtor and debtor in possession (the "Diocese" or the "Debtor") in the above captioned
21 Chapter 11 reorganization case (the "Reorganization Case").

22 In the Motion the Diocese seeks an Ex Parte Order under 11 U.S.C. § 107, FRBP
23 1007(j) and 9018 and LBR 9018-1 authorizing the Diocese to file portions of Schedule F,
24 the Master Mailing List, and any other pleadings, reports or other documents that might be
25 filed from time to time in the Reorganization Case which discloses the names of individuals
26 who have made allegations of sexual abuse under seal and authorizing the Diocese to

27 ORDER AUTHORIZING DEBTOR TO FILE
28 DOCUMENTS UNDER SEAL - 1

FILED

PAINE, HAMBLLEN, COFFIN, BROOKE & MILLER LLP
717 WEST SPRAGUE AVENUE, SUITE 1200
SPOKANE, WA 99201 PHONE: (509) 455-6000

DEC 06 2004

29 T.S. MCGREGOR, CLERK
30 U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

ENTERED

DEC 5 2004

12/12

1 provide copies of the sealed portions of any such schedules, Master Mailing List, pleadings,
2 reports or documents to the office of the United States Trustee (the "Motion"). Based upon
3 the Motion, the entire record in this Reorganization Case and good cause appearing,

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:


5 A. The Motion is approved and the envelope containing the sealed documents
6 shall not be opened unless otherwise ordered by the Court.

7
8 B. The Diocese is hereby authorized to file portions of Schedule F, the Master
9 Mailing List, and any other pleadings, reports or other documents that might be filed from
10 to time in the Reorganization Case disclosing the names of parties who have alleged sexual
11 abuse under seal.

12 C. The Diocese shall provide copies of the sealed schedules, Master Mailing
13 List, pleadings, reports or other documents, including, but not limited to, Schedule F and
14 the Master Mailing List, to the office of the United States Trustee.

15
16 D. The office of the United States Trustee shall not publish or otherwise
17 disclose the information provided to it by the Diocese which has otherwise been filed under
18 seal without further order of the Court after notice.

19 DATED this 6th day of Dec, 2004.

20
21
22
23 
24 The Honorable Judge Patricia C. Williams
25 Judge of the United States Bankruptcy
26 Court

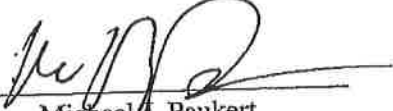
27
28
29 ORDER AUTHORIZING DEBTOR TO FILE
30 DOCUMENTS UNDER SEAL - 2

PAINÉ, HAMBLÉN, COFFIN, BROOKE & MILLER LLP
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PRESENTED BY:

PAINE, HAMBLEN, COFFIN,
BROOKE & MILLER, LLP

By 
Michael J. Paukert
Shaun M. Cross
Attorneys for Debtor.

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ORDER AUTHORIZING DEBTOR TO FILE
DOCUMENTS UNDER SEAL - 3

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