



IT IS ORDERED

Date Entered on Docket: April 11, 2014

The Honorable David T. Thuma  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE  
DIOCESE OF GALLUP, a New Mexico  
corporation sole,

Debtor.

Chapter 11

Case No. 13-13676-t11

**Jointly Administered with:**

Jointly Administered with:

BISHOP OF THE ROMAN CATHOLIC  
CHURCH OF THE DIOCESE OF GALLUP,  
an Arizona corporation sole.

Case No. 13-13677-t11

This pleading applies to:

- All Debtors.  
 Specified Debtor.

**ORDER FIXING TIME FOR FILING PROOFS OF CLAIM, APPROVING CLAIM  
FORMS, AND APPROVING MANNER AND FORM OF NOTICE**

This matter came before the Court on the "Motion for an Order Fixing Time for Filing  
Proofs of Claim, Approving Claim Forms, and Approving Manner and Form of Notice" (the

“**Motion**”) filed by the Roman Catholic Church of the Diocese of Gallup (“**RCCDG**”) and Bishop of the Roman Catholic Church of the Diocese of Gallup (the “**Arizona Entity**,” and together with RCCDG, the “**Debtors**”) on March 6, 2014 at Docket No. 192.

On March 7, 2014, the Debtors filed a “Notice of (I) Objection Deadline and (II) Final Hearing on Debtors' Motion for an Order Fixing Time for Filing Proofs of Claim, Approving Claim Forms, and Approving Manner and Form of Notice” [Dkt. No. 193] that provided notice to all persons and entities listed on both the confidential and non-confidential master mailing lists, including without limitation all parties on the Official Service List. No objections or responses to the Motion were filed.

On April 7, 2014, the Debtors filed a “Notice of Filing Redlined Exhibits to Motion for an Order Fixing Time for Filing Proofs of Claim, Approving Claim Forms, and Approving Manner and Form of Notice” [Dkt. No. 213]. The alterations to the exhibits did not constitute adverse, material changes to the exhibits or the Motion and, therefore, no further notice to creditors or parties in interest was required under the applicable law and/or rules.

Based upon the Motion, the exhibits thereto, the arguments and statements of counsel and the representations made on the record at the hearing on this matter on April 9, 2014, and the entire record before the Court in this matter; it appearing that the Court has jurisdiction over this matter; and it appearing that due notice of the Motion as set forth in the “Certificate of Service” attached thereto and to the “Notice of (I) Objection Deadline and (II) Final Hearing on Debtors' Motion for an Order Fixing Time for Filing Proofs of Claim, Approving Claim Forms, and Approving Manner and Form of Notice” [Dkt. No. 193] is sufficient under the circumstances, and that no other or further notice need be provided; the relief therein requested being in the best interest of the estate;

IT IS HEREBY ORDERED that:

- A. The Motion is approved on the terms set forth in this Order;
- B. The Claims Bar Date<sup>1</sup> for filing Proofs of Claim shall be Monday, August 11, 2014 at 5:00 p.m. Mountain Daylight Time;
- C. The Debtor shall complete service of this Order and any related forms or pleadings on the Master Mailing List and Confidential Master Mailing List (as applicable) within two (2) business days after entry of this Order;
- D. The following forms attached as Exhibits “A” through “H,” and Exhibit “J” to the Motion are hereby approved for use and dissemination by the Debtors:
1. The Tort Claim Form
  2. Notice and Instructions of Confidential Claims Bar Date
  3. Arizona Entity Other Claims Form
  4. Arizona Entity Notice of Claims Bar Date
  5. RCCDG Other Claims Form
  6. RCCDG Notice of Claims Bar Date
  7. RCCDG Notice of Disputed, Contingent, or Unliquidated Claim
  8. Posted Notice
  9. Press Release
- E. The Debtors are authorized to make nonmaterial changes to the above-named forms;
- F. The proposed noticing methods and places set forth in the Motion and Exhibit “I” to the Motion and the Debtors’ substantial compliance with the proposed noticing methods and

---

<sup>1</sup> Terms not defined in this Order have the meaning given to them in the Motion.

places to the extent such noticing is within the control of the Debtors, provide good and adequate notice under the circumstances of these Reorganization Cases;

G. Any post office or other federal office shall display the Posted Notice in a public place at the Debtors' request, from the date the Posted Notice is received by the office until the Claims Bar Date;

H. Beginning on the first day of the month following entry of this Order, and continuing on the first day of each month until the Bar Date has passed, the Debtors shall provide a progress report to counsel for the Committee showing the dates on which the Debtors have requested posting or publication under this Order. To the extent the Debtors may obtain information as to whether entities requested to post or publish the items contemplated by this Order have or have not done so, the Debtors shall include such information in the progress report. Within seven (7) days of the Bar Date, the Debtors shall file a Declaration with this Court certifying the dates on which service and requests for posting or publication were made;

I. Any creditor (including any Tort Claimant) who fails to timely file a Tort Claim Form or Other Claims Form on or before the Claims Bar Date may be prohibited from participating in the Reorganization Cases with respect to voting on a plan of reorganization, distribution under a plan of reorganization, or in any other regard;

J. Any creditor's (including any Tort Claimant's) claim that is untimely filed (or any creditor who fails to file a Tort Claim Form or Other Claims Form at all) may have such claim discharged;

K. Any creditor filing an Other Claims Form against either or both of the Debtors must file the proof of claim in the estate(s) of the Debtor(s) which is obligated on its claim only;

In the event there is joint and several liability on a claim between the Debtors, the details of the liability shall be clearly stated, and the Other Claims Form shall be filed in BOTH cases;

L. The failure of a Tort Claimant to indicate the Debtor against whom he or she is asserting a Tort Claim shall not have such Tort Claim disallowed nor shall it be grounds for objection to such Tort Claim if such Tort Claimant fails to identify the Debtor against whom such Tort Claimant is asserting his or her Tort Claim;

M. The completed Tort Claim Forms shall be mailed or hand delivered by the Tort Claimant asserting a Tort Claim to the Clerk of the Court so that the Tort Claim Form is received by the Clerk no later than 5:00 p.m., on or before the Claims Bar Date;

N. The Tort Claim Forms shall be filed under seal in hard copy and kept under seal in hard copy by the Clerk of the Court in the jointly administered case until liability against one Debtor or the other is determined, in accordance with a confidentiality protocol as set forth in Paragraph U;

O. The Clerk of the Court is hereby directed to maintain copies of the Tort Claim Forms in the same electronic file as the Confidential Master Mailing List, and to provide electronic access to all filed Tort Claim Forms to counsel for the Debtors. Upon entry of an order of the Court approving a confidentiality protocol between the Debtors and the Committee pursuant to Paragraph U below, the Clerk of the Court shall provide electronic access to counsel for the Committee. The United States Trustee shall not have electronic access to the electronic file in which the Tort Claim Forms are maintained nor shall the United States Trustee receive copies of the filed Tort Claim Forms unless later ordered by the Court after notice and a hearing;

P. The bar date for claims concerning executory contracts or unexpired leases, and avoidance actions shall be the later of: (i) the Claims Bar Date; or, (ii) thirty (30) days after the

mailing to the claimant of notice of entry of an order approving the rejection of such executory contract or unexpired lease, or the avoidance of such transfer, with a copy of the appropriate Notice of Claims Bar Date;

Q. The bar date for claims of governmental units shall be set for the later of: (i) the Claims Bar Date; or, (ii) one hundred eighty (180) days after the date of order for relief;

R. If the Debtors amend their bankruptcy schedules and the amendment reduces the liquidated amount of a scheduled claim, or reclassify a claim scheduled as undisputed, liquidated, and non-contingent to a disputed, unliquidated, and/or contingent claim, then each claimant affected by such amendment shall be permitted to file the Tort Claim Form or Other Claims Form relating to such claim on or before the later of: (i) the Claims Bar Date; or, (ii) thirty (30) days after the mailing of notice of such amendment to such claimant with a copy of the Bar Date Notice AND the Disputed Claim Notice, but only to the extent such claim does not exceed the amount scheduled for such claim prior to such amendment. This extended claims bar date shall not apply if an amendment to the Schedules increases the claim deemed filed under 11 U.S.C. § 1111(a) or if the creditor previously filed a Tort Claim Form or Other Claims Form on or before the Claims Bar Date;

S. The Claims Bar Date shall not apply to any particular types of pre-petition claims that the Court specifically authorizes to be paid, by order entered prior to the Claims Bar Date, or to administrative expenses arising under 11 U.S.C. §§ 330(a), 331, 364, 503, 507(a)(1), 507(a)(2), or 507(b);

T. The typical three (3) day service time shall not be added to extend the date set as the Claims Bar Date, but it shall be added to the thirty (30) day deadlines set forth above.

Notwithstanding any provision of Fed. R. Bankr. P. 9006(f), if any deadline falls on a weekend or legal holiday, the deadline shall be extended to the next business day; and

U. The Debtors and the Committee shall submit a confidentiality protocol to the Court for approval regarding the manner in which copies of the Tort Claims will be provided to the Committee or any other party with a need to review the claims as approved by the Court, or as ordered by the Court in the event the Debtors and the Committee are unable to agree on a confidentiality protocol.

XXX END OF ORDER XXX

Submitted by:

/s/ Susan G. Boswell

Susan G. Boswell (AZ Bar No. 004791)  
Lori L. Winkelman (AZ Bar No. 021400)  
Elizabeth S. Fella (AZ Bar No. 025236)

*Admitted Pro Hac Vice*

QUARLES & BRADY LLP

One S. Church Ave., Suite 1700

Tucson, Arizona 85701

(520) 770-8700

-and-

Thomas D. Walker

WALKER & ASSOCIATES, P.C.

500 Marquette N.W., Suite 650

Albuquerque, New Mexico 87102

(505) 766-9272

*Counsel for Debtor*

Copy to:

Ronald Andazola  
Leonard K. Martinez-Metzgar  
Office of the U.S. Trustee  
P.O. Box 608  
Albuquerque, NM 87103  
ustpreion20.aq.ecf@usdoj.gov  
Ronald.Andazola@usdoj.gov  
Leonard.Martinez-Metzgar@usdoj.gov

Richard T. Fass  
Perdue & Kidd, LLP  
510 Bering Dr., Suite 550  
Houston, TX 77057  
rfass@perdueandkidd.com  
*Counsel for Certain Tort Claimants*

Robert E. Pastor  
Montoya, Jimenez & Pastor, P.A.  
3200 N. Central Ave., Suite 2550  
Phoenix, AZ 85012  
repastor@mjpattorneys.com  
*Counsel for Certain Tort Claimants*

James I. Stang  
Pachulski Stang Ziehl & Jones  
10100 Santa Monica Blvd., 13th Floor  
Los Angeles, CA 90067  
jstang@pszjlaw.com  
*Counsel for Official Committee of Unsecured Creditors*