

IT IS ORDERED

Date Entered on Docket: July 31, 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:

Case No. 13-13677-t11

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

This pleading applies to:

All Debtors.

Specified Debtor.

**ORDER RE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS' MOTION FOR 2004 EXAMINATION  
(ROMAN CATHOLIC DIOCESE OF CORPUS CHRISTI)**

The Court, having considered the motion (the "Motion") of the Official Committee of Unsecured Creditors (the "Committee") of the Roman Catholic Church of the Diocese of Gallup

and the Bishop of the Roman Catholic Church of the Diocese of Gallup (individually or collectively, the "Debtor") for an Order compelling the Roman Catholic Diocese of Corpus Christi ("Diocese of Corpus Christi") to produce the documents (Docket No. 216), the Diocese of Corpus Christi's opposition thereto (Docket Nos. 228 and 252), the Committee's reply (Docket No. 241) and argument of counsel and the Court having issued its Memorandum Opinion (Docket No. 259),:

IT IS HEREBY ORDERED that Motion is granted in part and denied in part as set forth in the Memorandum Opinion;

IT IS FURTHER ORDERED the Motion is granted to allow discovery of the Diocese of Corpus Christi's financial condition to the extent of the financial information on the Diocese of Corpus Christi's web site and information about insurance coverage for claims against the Diocese of Corpus Christi;

IT IS FURTHER ORDERED that the Diocese of Corpus Christi shall produce the copies of the documents described on Exhibit "A" hereto in the manner in which the original documents are maintained in the ordinary course of business of the Diocese of Corpus Christi and, regarding the documents on the Diocese of Corpus Christi's website, as has been electronically converted for use on the website and that such copies shall be mailed to Pachulski Stang Ziehl & Jones LLP (Attn: James I. Stang), 10100 Santa Monica Blvd., 13<sup>th</sup> Floor, Los Angeles, CA 90067 within twenty-one (21) days after entry of this Order granting this Motion, and at such times as any additional responsive documents are acquired or become available and

IT IS FURTHER ORDERED that the balance of the relief sought in the Motion is denied without prejudice.

XXX END OF ORDER XXX

**Submitted by:**

/s/ James I. Stang

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**Approved as to Form Only:**

/s/ Jennie Deden Behles

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as Bishop of the Diocese of Corpus Christi

**Copy to:**

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**EXHIBIT "A"**

A. If you withhold or redact a portion of any Document under a claim of privilege or other protection, each such Document must be identified on a privilege log, which shall be produced contemporaneously with the non-privileged Documents responsive to this Request for Production, and which privilege log shall state the following information:

1. The date of the Document;
2. The type of Document (*e.g.*, letter, memorandum, report, etc.);
3. The name, address, telephone number and title of the author(s) of the Document;
4. The name, address, telephone number and title of each recipient of the Document;
5. The number of pages in the Document;
6. The document control number, if any;
7. The present location(s) of the Document and the name, address and telephone number of the persons) who has (have) possession of the Document;
8. A general description of the subject matter of the Document or the portion redacted without disclosing the asserted privileged or protected communication;
9. The specific privilege(s) or protection(s) that you contend applies.

**I. DEFINITIONS**

Unless otherwise stated, the following definitions shall apply to these Requests:

1. "Bankruptcy Cases" means and refers to the chapter 11 cases of the Roman Catholic Church of the Diocese of Gallup, a New Mexico corporation sole and Bishop of the Roman Catholic Church of the Diocese of Gallup, an Arizona corporation sole and currently

pending in the United States Bankruptcy Court for the District of New Mexico under the jointly administered cases captioned as *In re Roman Catholic Church of the Diocese of Gallup*, Case No. 13-13676-t11.

2. “Bankruptcy Code” means and refers to 11 U.S.C. §101 *et seq.* (as amended from time to time).

3. “Diocese of Gallup” means and refers to Roman Catholic Church of the Diocese of Gallup and Bishop of the Roman Catholic Church of the Diocese of Gallup, debtors in the Bankruptcy Cases; and Each of their predecessors and successors in interest; and Each of their affiliates; and Each of their present and former officers, directors, trustees, Persons, communities, attorneys, agents, servants, employees, representatives, brothers, councils, committees, and any other Person acting on its behalf or otherwise subject to its control. Upon information and belief, the term Diocese of Gallup refers to both the secular legal entity and the juridic person or religious entity.

4. “Communications” means and includes all oral and written communications of any nature, type or kind including, but not limited to, any Documents, telephone conversations, discussions, meetings, facsimiles, e-mails, pagers, memoranda, and any other medium through which any information is conveyed or transmitted.

5. “Concerning” means and includes relating to, constituting, defining, evidencing, mentioning, containing, describing, discussing, embodying, reflecting, edifying, analyzing, stating, referring to, dealing with, or in any way pertaining to.

6. “Diocese of Corpus Christi” means the Roman Catholic Diocese of Corpus Christi and the geographic area thereof and Each of its predecessors and successors in interest; and Each of its affiliates; and Each of its present and former officers, directors, trustees, Persons,

communities, attorneys, agents, servants, employees, representatives, brothers, councils, committees, and any other Person acting on its behalf or otherwise subject to its control. The term Diocese of Corpus Christi refers to both the secular legal entity and the juridic person or religious entity and the bishop of the Roman Catholic Diocese of Corpus Christi.

7. “Document” is used herein in the broadest possible sense as specified in and interpreted under Rule 34 of the Federal Rules of Civil Procedure, and includes, without limitation, all originals and copies, duplicates, drafts, and recordings of any written, graphic or otherwise recorded matter, however produced, reproduced, or stored, and all “writings” as defined in Rule 1001 of the Federal Rules of Evidence, and all other tangible things by which human communication is transmitted or stored, meaning any kind of printed, recorded, graphic, or photographic matter, however printed, produced, reproduced, copies, reproductions, facsimiles, drafts and both sides thereof, including without limitation any kind of written, typewritten, graphic, photographic, printed, taped or recorded material whatsoever, regardless whether the same is an original, a copy, a reproduction, a facsimile, telex or telefax, and regardless of the source or author thereof, including without limitation, any writing filed for reporting or other purposes with any state, federal or local agency; notes; memoranda, including but not limited to memoranda of telephone conversations; letters; audited financial statements; unaudited financial statements; financial ledgers; intra-office or inter-office communications; circulars; bulletins; manuals; results of investigations; progress reports; study made by or for business or personal use; financial reports and data of any kind; working papers; contracts; agreements; affidavits; declarations; statements; bills; books of accounts; vouchers; transcriptions of conversations or tape recordings; desk calendars; bank checks; purchase orders; invoices; charge slips; receipts; expense accounts; statistical records; cost sheets; journals; diaries; time sheets or logs; computer

data; job or transaction files; appointment books; books, records, and copies; electronic mail messages; extracts and summaries of other documents; drafts of any of the above, whether used or not; and any other writing or recording; computer and other business machine printouts, programs, listings, projections, as well as any carbon or photographic or copies, reproductions or facsimiles thereof and all copies which differ in any way from the original, including without limitation, all forms of electronic media, data, data storage and other forms of electronic or computer-stored or computer-generated communications, data, or representations. This includes, but is not limited to, such material in the form of Electronically Stored Information: that is, any data present in memory or on magnetic or optical storage media as an "active" file or files (readily readable by one or more computer applications or forensics software), saved in an archive, present as "deleted" but recoverable electronic files in memory or on any media, and, present in any electronic file fragments (files that have been deleted and partially overwritten with new data) from files containing such material. Where any otherwise duplicate document contains any marking not appearing on the original or is altered from the original, then such item shall be considered to be a separate original document. Any Document that contains any comment, notation, addition, insertion or marking of any type or kind which is not part of another Document, is to be considered a separate Document.

8. "Each" shall mean each and every.

9. "Financial Statements" means annual income statements, balance sheets and cash flow statements, regardless of whether the statements are audited or reviewed.

10. "Insurance Policy" means and refers to any liability, comprehensive general liability, commercial general liability, errors and omissions, directors and officers



liability, umbrella and excess liability insurance policy, as well as any other insurance policy that provides, in whole or in part, insurance coverage for any tort claims.

11. "Person" means and includes individuals and entities, civil or canonical, including, but not limited to, communities, houses, ministries, regions, funds, missions, or apostolic institutions, as those terms are used under the laws of the Roman Catholic Church, for profit and not for profit corporations, partnerships, unincorporated associations, limited liability companies, trusts, firms, cooperatives, fictitious business names, educational institutions, governmental agencies whether local, state, or federal, and any and all of their agents, representatives, employees, predecessors, and/or any other Person acting on its/their behalf or subject to its/their control.

12. "You", "Your", and "Yours" means and refers to the Diocese of Corpus Christi.

## II. REQUESTS FOR PRODUCTION

1. All Documents that indicate or claim that Diocese of Gallup is a named insured, an additional insured or is otherwise insured under any Insurance Policy issued to or paid for by You between 1945 and 2013.

2. All Documents Concerning, constituting or evidencing, in whole or in part, any Insurance Policy issued to or paid for by You between 1945 and 2013, pursuant to which Diocese of Gallup is a named insured, an additional insured, or is otherwise insured.

3. All Documents Concerning or constituting any Communications sent or received between 1945 and 2014 Concerning any claim or lawsuit of any kind against Diocese of Gallup (regardless of whether it is also against You), defended or settled, in whole or in part, by any insurance company or companies pursuant to an Insurance Policy.



4. All Documents Concerning or evidencing any payment made to You, or to anyone acting on Your behalf, between 1945 and 2013, for the purchase of an Insurance Policy on behalf of Diocese of Gallup.

5. All Documents that indicate or claim that You are a named insured, an additional insured or is otherwise insured under any Insurance Policy for the period 1945 to 2013.

6. All Documents that indicate or claim that any Person ever under the jurisdiction of the Diocese of Corpus Christi who served or worked in or was assigned to the Diocese of Gallup is a named insured, an additional insured or is otherwise insured under any Insurance Policy issued to or paid for by You between 1945 and 2013.

7. All Documents Concerning, constituting or evidencing, in whole or in part, any Insurantee Policy issued to or paid for by You between 1945 and 2013, pursuant to which any Person ever under the jurisdiction of the Diocese of Corpus Christi who served in, worked in or was assigned to the Diocese of Gallup Diocese of Gallup is a named insured, an additional insured, or is otherwise insured.

8. All Financial Statements for the years ended June 30, 2013 and 2012 for the Diocese of Corpus Christi (Administrative Offices).