



IT IS ORDERED

Date Entered on Docket: April 27, 2015

**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,

Case no. 13-13676-t11

Debtor.

Jointly administered with:

BISHOP OF THE ROMAN CATHOLIC
CHURCH OF THE DIOCESE OF GALLUP,

Case No. 13-13677-t11

Debtor.

MEDIATION ORDER

This matter came before the Court at a status hearing on April 20, 2015 (the “Status Hearing”), held pursuant to the Debtors’ Request for Status Hearing, doc. 354, 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”). At the Status Hearing, significant discussions were held regarding the scheduling of mediation among numerous parties in the above-captioned, jointly administered reorganization cases (the “Reorganization Cases”).

Based upon the Status Hearing, the entire record before this Court, and for good cause shown,

IT IS HEREBY ORDERED:

1. Mediation pertaining to the Reorganization Cases will be held before the Honorable Randall J. Newsome (Ret.) of JAMS (the “Mediator”). The mediation shall take place at a date, time, and location the Mediator shall fix after consulting with the counsel for the parties. The mediation shall commence no later than July 15, 2015;

2. The following parties are hereby ordered to participate in the mediation: (i) Debtors; (ii) Official Committee of Unsecured Creditors (the “Committee”); (iii) New Mexico Property and Casualty Insurance Guaranty Association; (iv) The Catholic Mutual Relief Society of America; (v) The Catholic Relief Insurance Company of America; (vi) Province of St. John the Baptist of the Order of Friars Minor; (vii) Sacred Heart Cathedral in Gallup, New Mexico; (viii) St. John the Baptist in St. Johns, Arizona (ix) Catholic Peoples Foundation; and (x) St. Bonaventure Indian Mission & School (individually, a “Party” and collectively, the “Parties”);

3. Representatives of each Party, with authority to negotiate a settlement, must attend the mediation. Counsel for the “confidential claimants” and Committee members may attend the mediation;

4. The results of the mediation shall be non-binding unless the Parties agree otherwise;

5. There shall be an absolute mediation privilege, and all communications made during the mediation shall be confidential, protected from disclosure, and shall not constitute a waiver of any existing privileges and immunities, shall not be disclosed to any third party for any reason, and shall not be used for any purpose other than the mediation. Submissions to the Mediator shall not be delivered to anyone else without the consent of the submitting party;

6. Under no circumstances shall any of the Parties propound discovery on the Mediator or take any action to compel testimony from the Mediator;

7. At the conclusion of the mediation, the Mediator shall send the Court a memorandum stating that he has conducted a mediation; the names, addresses, and telephone numbers of counsel who participated in the mediation; and whether the mediation was successful;

8. The Mediator may report to the Court any willful failure to attend or participate in good faith in the mediation process or mediation conference. Such failure may result in the imposition of sanctions by the Court. The sanctions available under Fed. R. Civ. P. 16(f) shall apply to any violation of this Order;

9. The Mediator shall have authority to control all procedural aspects of the mediation, including when the Parties will meet jointly and/or separately with the Mediator;

10. This Order does not in any way limit this Court from ordering any additional parties to appear and participate in the mediation; and

11. Participation in the mediation shall not be nor shall be deemed as consent to this Court's jurisdiction in any civil proceeding arising under title 11 or arising in or related to the Reorganization Cases, other than the mediation.

12. Debtors are authorized to pay the travel and other out-of-pocket expenses of the Mediator, without further Court order.

13. The Parties shall cooperate in pre-mediation discovery, including the depositions of certain claimants. The Court shall hold hearings on short notice on any discovery disputes. The Court expects all Parties to obtain such information as they may deem reasonable to participate meaningfully in the mediation.

END OF ORDER

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