

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re:

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

Debtor.

Case No. 13-13676-t11
Chapter 11

Jointly Administered with:

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

Debtor.

Case No. 13-13677-t11
Chapter 11

**NEW MEXICO PROPERTY AND CASUALTY INSURANCE GUARANTY
ASSOCIATION'S OBJECTION TO JANE L.S. DOE'S, ALFRED MOYA'S, AND JOHN
M. H. DOE'S MOTIONS FOR RELIEF FROM AUTOMATIC STAY**

New Mexico Property and Casualty Insurance Guaranty Association (“**NMPCIGA**”), by counsel, hereby objects Jane L.S. Doe’s *Motion for Relief from Automatic Stay*, filed July 8, 2015 (Doc. No. 396), Alfred Moya’s *Motion for Relief from Automatic Stay*, filed July 8, 2015 (Doc. No. 397), John M.H. Doe’s *Motion for Relief from Automatic Stay*, filed July 8, 2015 (Doc. No. 398) (collectively, the “**Motions**”), and in support hereof, states:

Background

1. On November 12, 2013, (the “**Petition Date**”), the Roman Catholic Church of the Diocese of Gallup, a New Mexico Corporation sole and the Bishop of the Roman Catholic Church of the Diocese of Gallup, an Arizona corporation sole (together, the “**Debtors**”), each filed voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “**Bankruptcy Code**”), and since the Petition Date, the Debtors have remained in possession

of their property and in control of their affairs as debtors-in-possession, pursuant to §§ 1106, 1107 and 1108 of the Bankruptcy Code.

2. On July 8, 2015, Jane L.S. Doe, Alfred Moya and John M.H. Doe (collectively, the “**Movants**”) filed the Motions. By the Motions, the Movants each requested the Court to grant them relief from the automatic stay to continue litigating their respective individual lawsuits against the Debtors in the Superior Court of the State of Arizona (Coconino County).

3. On July 8, 2015, the Official Committee of Unsecured Creditors filed its *Official Committee of Unsecured Creditors’ Memorandum in Support of Stay Relief Motions* (Doc. No. 402) to supplement the Motions.

4. On July 8, 2015, each Movant filed a *Notice of Filing of a Motion for Relief from Automatic Stay and a Hearing Thereon and Time to Respond Thereto* for their respective Motions (Doc. Nos. 399, 400 and 401) (collective, the “**Notices**”).

Response to Request from Relief from Automatic Stay

Generally, the automatic stay may be terminated, annulled or modified pursuant to 11 U.S.C. §362(d). A motion for relief from an automatic stay must be made in accordance with Bankruptcy Rule 9014. *See* Bankruptcy Rule 4001. The New Mexico local bankruptcy rules require the movant of a contested matter, including a motion for relief from automatic stay, to determine if a motion will be opposed by the parties affected. *See* NM LBR 9013-1 and 9013-2(d)(i). NMPCIGA would be affected if the relief requested in the Motions were granted. NMPCIGA’s counsel was not contacted by Movants to determine if the Motions would be opposed, contrary to local bankruptcy rules. Upon information and belief, other parties that do not receive electronic notice would also be affected. NMPCIGA asserts the Motions and Notices were defective and failed to comply with applicable Bankruptcy Rules, and the local rules of this Court. NMPCIGA reserves all rights and grounds to object to the Motions and Notices, waives

none, and reserves the right to file a supplemental objection and/or joinder prior to any hearing set in this matter.

WHEREFORE, NMPCIGA prays that the Court deny the Motions and for all other just and proper relief.

Respectfully Submitted,

ASKEW & MAZEL, LLC

By: *s/ filed electronically* _____

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2015, I filed the foregoing pleading electronically through the CM/ECF system, which caused all counsel of record to be served.

s/ Edward A. Mazel _____

Edward A. Mazel