

**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  <b>Jointly Administered with:</b>
Jointly Administered with:  BISHOP OF THE ROMAN CATHOLIC CHURCH OF THE DIOCESE OF GALLUP, an Arizona corporation sole.  This pleading applies to:  <input checked="" type="checkbox"/> All Debtors. <input type="checkbox"/> Specified Debtor.	Case No. 13-13677-t11

**DEBTORS' EMERGENCY MOTION TO CONTINUE TRIAL SCHEDULED TO  
COMMENCE ON NOVEMBER 10, 2015; AND REQUEST FOR EXPEDITED  
HEARING**

The Roman Catholic Church of the Diocese of Gallup, a New Mexico corporation sole (“**RCCDG**”) and the Bishop of the Roman Catholic Church of the Diocese of Gallup, an Arizona corporation sole (the “**Arizona Entity**,” together with RCCDG, the “**Debtors**”) request that the Court enter an order continuing the final hearing currently scheduled for November 10, 2015 and November 12, 2015 (the “**Stay Relief Hearing**”) regarding the following motions: (1) Jane L.S. Doe’s “Motion for Relief from Automatic Stay” filed July 8, 2015 [Dkt. No. 396]; (2) Alfred Moya’s “Motion for Relief from Automatic Stay” filed on July 8, 2015 [Dkt. No. 397]; (3) John M.H. Doe’s “Motion for Relief from Automatic Stay” filed July 8, 2015 [Dkt. No. 398]; and (4) the “Official Committee of Unsecured Creditors’ Memorandum in Support of Stay Relief Motions” filed July 8, 2015 [Dkt. No. 402] (together the “**Stay Relief Motions**”).

The Debtors ask the Court to hear this Emergency Motion on an expedited basis because the evidentiary hearing on the Stay Relief Motions is currently scheduled to commence in less than five (5) weeks. Due to the delay of the Movants as detailed herein and as illustrated in the exhibits attached hereto, a continuance of the Stay Relief Hearing is necessary to give the Debtors ample time to conduct the necessary discovery and to prepare for the evidentiary hearing. Specifically, the Movants have failed to provide an expert report that was promised weeks ago, failed to comply with the document requests served on the Movants, and have now informed the Debtors that one of their “experts” would need to be deposed in Boston, despite earlier representations that he would travel to Phoenix. Moreover, a continuance will not prejudice the Movants. No trial date is currently set in any of the tort cases and one tort case has not even been filed yet naming either of the Debtors.

This Emergency Motion is supported by: (i) the following Memorandum of Points and Authorities; (ii) the exhibits attached hereto; and (iii) the entire record of this case.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. FACTUAL BACKGROUND.**

1. The Stay Relief Motions seek relief from the automatic stay to allow the Movants to proceed with litigation regarding their claims against the Debtors.

2. At the hearing on August 14, 2015 (the “**August 14th Hearing**”), counsel for the Debtors and the Movants and the Committee notified the Court of the status of the mediation, and indicated that the final hearing on the Stay Relief Motions should be set. Prior to the August 14th Hearing, on August 13, 2015, the Movants and the Debtors had a “meet and confer” to discuss scheduling on the Stay Relief Motions. As counsel for the Movants stated at both the meet and confer and the August 14th Hearing, Movants were going to “give them [the Debtors]

whatever they need. They just need to ask and we will provide it in a quick and timely manner.” See **Exhibit A** (portions of hearing transcript from August 14th Hearing). Unfortunately, that has not happened. Instead, counsel for the Movants have been obstructive and nonresponsive on many of the issues.

3. At the meet and confer, Mr. Pastor, one of the attorneys for the Movants, indicated that he intended to call Dr. Daniel Brown, Ph.D. (“**Dr. Brown**”) as an expert to testify at the Stay Relief Hearing (along with potential other experts), and that Mr. Pastor would provide Dr. Brown’s report right away. Mr. Pastor further indicated, on at least two occasions (once at the meet and confer and once during a call with the parties) that Dr. Brown would come to Phoenix for his deposition. Moreover, Mr. Pastor also indicated that there may be other reports from other experts who were treating psychologists for the Movants and who may testify. Now, six weeks after that conversation the Debtors have yet to receive the expert report of Dr. Brown or any other expert reports, and the Debtors were just informed that Dr. Brown is only available for his deposition in Boston. See email strings, **Exhibit B**.<sup>1</sup> As is typical with respect to the Stay Relief Motions and the related discovery, Mr. Pastor responds to a portion of the email but refuses to address certain issues, including the status of the reports. As the Movants are aware, once the Debtors receive and evaluate the report (and any other reports), the Debtors may determine that they need to call a rebuttal expert—all at additional expense to the estate.<sup>2</sup> But the Debtors cannot make this decision until they see the report from Dr. Brown or any other experts.

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<sup>1</sup> The format of the e-mail strings are displayed in latest in date and time to earliest in date and time

<sup>2</sup> In addition, the Debtors will need to file an application to retain such an expert. There is no reason to go to that time and expense without first seeing the applicable documents and reports and thus being able to make an intelligent and prudent decision whether to retain such an expert.

Simply put, the Movants have failed to comply with their representations to the Court and the Debtors that they would work quickly to provide whatever information is needed.

4. The Movants and the Committee (prepared by counsel for the Committee) distributed the proposed scheduling order on September 3, 2015—almost 3 weeks after the meet and confer. The Debtors provided their comments on September 9, 2015. On September 16, 2015, the Movants and the Committee circulated a revised draft to the parties. Counsel for the Committee then sent an email on September 21, 2015 inquiring as to the status of any further comments. Counsel for the Debtors responded the next day with comments. To date, other than a conversation where counsel indicated that they will revise the scheduling order since most of the deadlines in the proposed scheduling order have passed, the Debtors have not seen a revised scheduling order.<sup>3</sup> See **Exhibit C**, email string between counsel for Movants and the Committee and the Debtors.

5. Despite assurances that by the Movants and the Committee that they would work in good faith and provide documents informally and quickly, the Movants have not produced one document to the Debtors. The informal request for production of documents was served on the Movants on September 4, 2015. Despite requests as to the status of the production, and Mr. Pastor's statement that they would "give the Debtors whatever they need in a quick and timely manner," they have essentially ignored the request. After the informal request for production was served, counsel for the Movants and the Committee discussed the request. Counsel for the Committee and the Movants indicated that either there were no documents, very few documents or any documents that existed would be subject to a privilege. Counsel for the Debtors requested

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<sup>3</sup> Even if a revised scheduling order is provided at this late date, the Debtors will be prejudiced because the lack of such an order has benefitted the Movants and the Committee by allowing them to arbitrarily set their own deadlines without any consequences regardless of the prejudice to the Debtors.

that Movants and the Committee provide a written response to the informal request confirming that and providing the documents that would be responsive and not subject to a privilege. First, the Movants and the Committee did not act quickly (as they had represented they would). Moreover, even pursuant to Rule 34, the Movants have *still* failed to timely respond to the requests. *See* Fed. R. Civ. P. 34; Fed. R. Bankr. P. 7034 (responses must be made within 30 days of request). On Wednesday, October 7, 2015, counsel for the Debtors received what was purported to be a response to the informal request which was not such a response. *See* **Exhibit D**, email string between counsel for the Committee and the Debtors and response thereto.

6. The Debtors received what is purported to be a “disclosure” of witnesses and exhibits from the Movants and the Committee on Friday, October 2, 2015. This “disclosure” identifies eleven (11) witnesses that the Movants and the Committee will call, of whom four (4) are treating therapists and this does not include any of the Debtors’ witnesses. Despite having requested all documents from any treating therapists with respect to the Movants in the informal request, no such documents have been provided to the Debtors as of the date of this Motion.

## **II. ARGUMENT.**

Courts have broad discretion on matters of continuances. Courts generally consider four factors to determine whether a denial of a continuance is arbitrary or unreasonable: (1) the diligence of the party requesting the continuance; (2) the likelihood the continuance would accomplish the stated purpose; (3) the inconvenience to the opposing party and the court; and (4) the need asserted for the continuance and the harm that appellant might suffer as a result of the denial of the continuance. “No single factor is determinative and the weight given to any one may vary depending on the extent of the appellant’s showing on the others.” *In re Harth*, 2014 WL 4294942 at \*11 (B.A.P. 10th Cir. Sept. 2, 2014).

In this case all of these factors weigh in favor of a continuance. As demonstrated above and in the exhibits attached hereto, the Debtors have been diligent in requesting the information necessary to adequately prepare for trial. It is the Movants and the Committee who have delayed. Additional time would allow all parties to prepare adequately. As the Court is aware, one of the cases is an uninsured case and all costs of defense will have to be borne by the Debtors at the expense of the creditors. Moreover, having to prepare for trial in an artificially compressed time is always more expensive than having reasonable time to prepare. The third factor should be weighed against the Movants and the Committee since they are the ones who have delayed and the timing was solely within their control. Finally, there is no harm to be suffered by the Movants and the Committee from a continuance given that it is their own actions that have resulted in this request.

The Movants have failed to provide the expert report which was promised weeks ago, have failed to provide documents related to therapists that they have disclosed as witnesses, ignored document requests despite assurances that they would be cooperative and efficient in their responses, and failed to finalize a scheduling order. The Debtors have repeatedly followed up regarding the status and have been ignored. A continuance will not prejudice the Movants or the Committee in any way and will allow the Debtors sufficient time to prepare a defense once they have received the documents and other information from the Movants. The Debtors have provided (early on) a list of their witnesses and quickly responded with potential dates for depositions and other information as requested by the Movants and the Committee. Movants and the Committee have not reciprocated by providing the requested information. Also, the Debtors have attempted to determine whether the Movants and the Committee intend to try and introduce evidence of the merits of the underlying claims and damages, but they have not received a

straight answer from the Movants. See **Exhibit E**. If the Movants and the Committee intend to try and introduce this evidence—which the Debtors believe is improper in the context of a stay relief trial—the Debtors intend to file a motion in limine to exclude such evidence. If that motion is denied, the Debtors may need additional discovery. None of this is known until the Debtors receive responses to the discovery requests and the other information they have requested.

Accordingly, a continuance is necessary so that the Debtors may be able to effectively defend the estate's interest. Given the discovery that remains to be completed (approximately 12-15 depositions), the need for counsel to travel to Boston, and the fact that a continued mediation is scheduled for December 3rd and 4th, and with the impending holidays, Debtors would request a continuance until sometime after January 15, 2016. Counsel for the Debtors contacted both Mr. Pastor and Mr. Stang, and they indicated they would not consent to the continuance.

WHEREFORE, the Debtors respectfully request that the Court set an expedited hearing on this Emergency Motion and enter an order continuing the Stay Relief Hearing to a date on or after January 15, 2016.

RESPECTFULLY SUBMITTED this 8th day of October, 2015.

/s/ Susan G. Boswell

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## CERTIFICATE OF SERVICE

Pursuant to F.R.C.P. 5(b)(3), F.R.B.P. 9036 and NM LBR 9036-1(b), I hereby certify that service of the foregoing “Debtors’ Emergency Motion to Continue Trial Scheduled to Commence on November 10, 2015; and Request for Expedited Hearing” was made on October 8, 2015 via e-mail and the notice transmission facilities of the Bankruptcy Court’s case management and electronic filing system on the below listed parties.

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/s/ Susan G. Boswell  
Susan G. Boswell

# **EXHIBIT "A"**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO

\_\_\_\_\_  
In re: )  
)  
)  
ROMAN CATHOLIC CHURCH OF THE CH: 11 ) 13-3676-t11  
DIOCESE OF GALLUP )  
)  
(TA) PH ON MOTION FOR RELIEF FROM STAY )  
AS TO CLAIM 46 FILED BY CREDITOR JANE )  
L.S. DOE(396) )  
)  
PH ON MOTION FOR RELIEF FROM STAY AS TO )  
CLAIM 54. FILED BY CREDITOR ALFRED MOYA )  
(397) )  
)  
PH ON MOTION FOR RELIEF FROM STAY AS TO )  
CLAIM 48 FILED BY CREDITOR JOHN M.H. )  
DOE (398) )  
\_\_\_\_\_)

U.S. Bankruptcy Court  
Dennis Chavez Federal Building  
and United States Courthouse  
500 Gold Avenue SW, Tenth Floor  
P.O. Box 546  
Albuquerque, NM 87103-0546

August 14, 2015  
9:04 a.m.

BEFORE THE HONORABLE DAVID T. THUMA, Judge

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Father Lawrence O'Keefe

Proceedings recorded by electronic sound technician, Christa  
Lucero; transcript produced by AVTranz.

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1 MR. PASTOR: Good morning, Your Honor, Robert Pastor  
2 for the three movants.

3 MR. FASS: Good morning, Judge. My name is Richard  
4 Fass. I'm here on behalf of various tort parties.

5 THE COURT: Okay. Okay. How do you want to proceed  
6 this morning? Should we hear from Mr. Pastor first or? That  
7 would be --

8 MR. PASTOR: Sure.

9 THE COURT: -- typical.

10 MR. PASTOR: Sure.

11 THE COURT: All right.

12 MR. PASTOR: Your Honor, forgive me for my ignorance  
13 with Bankruptcy Court procedures. Preliminary hearings are  
14 unfamiliar to me and for a motion, but Ms. Boswell and I, along  
15 with everyone at this table met yesterday, and talked about  
16 what we needed to do to get this to a hearing, and Ms. Boswell  
17 can correct me if I'm wrong, but I think the general consensus  
18 is that the parties are going to meet by telephone, hopefully,  
19 relatively soon, early next week, I would hope, put together a  
20 discovery schedule, try to get the different witnesses we need  
21 to present, and I've disclosed those to Ms. Boswell,  
22 informally, and I will do so formally.

23 I've informed her that we are willing to give them  
24 whatever they need. They just need to ask and we will provide  
25 it in a quick and timely manner. Our primary objective is we'd



1 like to get this to hearing quickly. I'm not sure if there's  
2 other issues you want to address, but -- so you understand when  
3 the Debtor filed bankruptcy the Moya case was four months away  
4 from trial. It had a trial date in State Court. As I see it,  
5 the Moya case is four months away from trial. All we need to  
6 do is get back on track. So I'll let Ms. Boswell --

7 THE COURT: Okay. Tell me how long do you think I  
8 would need to set aside for a final hearing?

9 MR. PASTOR: Well, I'm going to leave that to  
10 Ms. Boswell. I don't think we need very long, certainly not  
11 months. Maybe -- I don't know what her suggestion is. We  
12 talked yesterday, and she wasn't able to give me really who are  
13 her witnesses, whether -- who trial counsel is going to be.  
14 And so, I don't know.

15 Our case is relatively straightforward. Our clients  
16 are going to testify, perhaps loved ones of theirs, and  
17 therapists of theirs who are -- you know, who will address the  
18 importance of needing to get closure on this matter. I don't  
19 know from the Debtor who's going to testify.

20 THE COURT: And do you think a day, or two days, or  
21 three days?

22 MR. PASTOR: I would think two days, in terms of  
23 length of the hearing.

24 THE COURT: Yeah.

25 MR. PASTOR: You know, maybe two-and-a-half days, to

1 nothing to add. Obviously, we're all concerned about the  
2 money. I mean, you all are nice men and women that -- I sure  
3 want to pay Claimants rather than the professionals. And  
4 you're doing a good job, but let's all stay reminded of the  
5 fact that we're running this for the Creditors and not for the  
6 professionals, and if we end up with no money for the, you  
7 know, abuse survivors, that's going to be a failure of the  
8 whole process, and I would consider it that I failed and that  
9 you all have too. So let's avoid that scenario. All right.  
10 We'll be in recess.

11 MS. BOSWELL: Thank you, Your Honor.

12 (Proceedings Concluded)

13

14

15 I certify that the foregoing is a correct transcript from  
16 the record of proceedings in the above-entitled matter.

17

18 Dated: August 24, 2015

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20


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22

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# **EXHIBIT "B"**

From: [Robert E. Pastor](#)  
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Subject: Re: Gallup\Relief from Stay Hearing [QBLLP-ACTIVE.FID37014021]  
Date: Saturday, October 03, 2015 1:01:23 PM

---

Dan Brown is available Oct. 27. In Boston.

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Sent from my iPad

On Oct 2, 2015, at 11:34 AM, Winkelman, Lori L. (PHX x3452)  
<[Lori.Winkelman@quarles.com](mailto:Lori.Winkelman@quarles.com)> wrote:

I will look into that and let you know. Can you please answer my other questions? Thanks.

*Lori L. Winkelman*  
*Partner*  
*Quarles & Brady LLP*  
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*Two North Central Avenue*  
*Phoenix, Arizona 85004-2391*  
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*Tucson Office: (520) 770-8726*  
[Lori.Winkelman@quarles.com](mailto:Lori.Winkelman@quarles.com)

---

**From:** Ilan D. Scharf [<mailto:ischarf@pszjlaw.com>]  
**Sent:** Friday, October 02, 2015 11:25 AM  
**To:** Winkelman, Lori L. (PHX x3452); Robert Pastor  
**Cc:** Boswell, Susan G. (TUC x7713); Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com))  
([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Cygal, Everett ([ecygol@schiffhardin.com](mailto:ecygol@schiffhardin.com));  
[dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); John 2 Manly; Vince Finaldi  
**Subject:** RE: Gallup\Relief from Stay Hearing [QBLLP-ACTIVE.FID37014021]

Is the Bishop going to be the Debtors' 30(b)(6) witness? If so, there's no need to do it twice.

**Ilan D. Scharf**

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Tel: 212.561.7700 | Fax: 212.561.7777  
[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)  
[vCard](#) | [Bio](#) | [LinkedIn](#)

[<image001.jpg>](#)

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---

**From:** Winkelman, Lori L. (PHX x3452) [<mailto:Lori.Winkelman@quarles.com>]  
**Sent:** Friday, October 02, 2015 2:22 PM  
**To:** Robert Pastor; Ilan D. Scharf  
**Cc:** Boswell, Susan G. (TUC x7713); Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); John 2 Manly; Vince Finaldi  
**Subject:** RE: Gallup\Relief from Stay Hearing [QBLLP-ACTIVE.FID37014021]

Ilan--I will give you a call this afternoon. I got your voicemail.

Robert--yes, those dates are confirmed but we need to know times.

Will you please provide the following today:

Dan Brown's report and days of availability (this was due to us weeks ago).

Names and dates for depositions of movants and any family members you intend to call

We need the time for the deposition of the Debtor's 30(b)(6) exam (you just included date)

When we can expect the documents responsive to the Debtors' document request which was served on you on September 4, 2015.

*Lori L. Winkelman*  
*Partner*  
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---

**From:** Robert E. Pastor [<mailto:repastor@mjpattorneys.com>]  
**Sent:** Friday, October 02, 2015 11:12 AM  
**To:** Ilan D. Scharf  
**Cc:** Winkelman, Lori L. (PHX x3452); Boswell, Susan G. (TUC x7713); Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); John 2 Manly; Vince Finaldi  
**Subject:** Re: Gallup\Relief from Stay Hearing [QBLLP-ACTIVE.FID37014021]

Susan and Lori will you also confirm deposition of Bishop Wall on Oct. 23 in PHX and Former CFO Deacon Jim Hoy on Oct 21 in silver city, NM.

Robert E. Pastor  
Montoya, Jimenez & Pastor, P.A.  
3200 N. Central Ave., Suit 2550  
P: 602-279-8969  
F: 602-256-6667  
[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)

On Oct 2, 2015, at 10:54 AM, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)> wrote:

No. I never heard anything back from CM about the stipulation and some of the dates have passed in any event.

**Ilan D. Scharf**

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[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)  
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[<image001.jpg>](#)

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---

**From:** Winkelman, Lori L. (PHX x3452)  
[\[mailto:Lori.Winkelman@quarles.com\]](mailto:Lori.Winkelman@quarles.com)  
**Sent:** Friday, October 02, 2015 1:53 PM  
**To:** Ilan D. Scharf; Boswell, Susan G. (TUC x7713)  
**Cc:** Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); John 2 Manly; Robert Pastor; Vince Finaldi  
**Subject:** RE: Gallup\Relief from Stay Hearing [QBLLP-ACTIVE.FID37014021]

Correct. My understanding is they are waiting on the

Stipulation--is that what you are submitting?

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[Lori.Winkelman@quarles.com](mailto:Lori.Winkelman@quarles.com)

---

**From:** Ilan D. Scharf [<mailto:ischarf@pszjlaw.com>]  
**Sent:** Friday, October 02, 2015 9:52 AM  
**To:** Boswell, Susan G. (TUC x7713); Winkelman, Lori L. (PHX x3452)  
**Cc:** Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); John 2 Manly; Robert Pastor; Vince Finaldi  
**Subject:** Gallup\Relief from Stay Hearing

Susan and Lori,

The Court informed us that they do not have the motions for relief from stay calendared for 11/10 and 11/12. They are holding the dates. We will finalize those dates with the court.

Regards,

Ilan

**Ilan D. Scharf**

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# EXHIBIT "C"

**From:** [Boswell, Susan G. \(TUC x7713\)](#)  
**To:** [Ilan D. Scharf](#); [Winkelman, Lori L. \(PHX x3452\)](#); [Fella, Elizabeth \(TUC x7755\)](#); "edmazel@askewmazelfirm.com"; "dspector@schiffhardin.com"  
**Cc:** [James Stang](#); [Robert Pastor](#); [Richard Fass](#); [Don Kidd](#); [Winkelman, Lori L. \(PHX x3452\)](#); [Davis, Jeffrey O. \(MKE x1317\)](#)  
**Subject:** [keptcccomments] RCCDG\Lift Stay Hearing [QBLLP-ACTIVE.FID37014021]  
**Date:** Wednesday, September 09, 2015 12:08:23 PM  
**Attachments:** [image001.jpg](#)  
[Scheduling Order w\\_sgb comments.DOCX](#)

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All

Here are the Debtors comments to the scheduling order.

***Susan G. Boswell***

Attorney

***Quarles & Brady LLP***

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Tucson, Arizona 85701-1621

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Direct Fax: (520) 770-2222

Mobile: (520) 349-6644

[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** Ilan D. Scharf [mailto:ischarf@pszjlaw.com]  
**Sent:** Thursday, September 03, 2015 11:45 AM  
**To:** Boswell, Susan G. (TUC x7713); Winkelman, Lori L. (PHX x3452); Fella, Elizabeth (TUC x7755); 'edmazel@askewmazelfirm.com'; 'dspector@schiffhardin.com'  
**Cc:** James Stang; Robert Pastor; Richard Fass; Don Kidd  
**Subject:** RCCDG\Lift Stay Hearing

Counsel,

Attached is a draft scheduling order for the lift stay hearings. Please let us know if you have any comments.

Regards,

Ilan

**Ilan D. Scharf**

Pachulski Stang Ziehl & Jones LLP

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**From:** [Boswell, Susan G. \(TUC x7713\)](#)  
**To:** [Ilan D. Scharf](#)  
**Cc:** [Robert Pastor](#); ["edmazel@askewmazelfirm.com"](#); ["Mark Ish"](#); ["dspector@schiffhardin.com"](#); ["Cygol, Everett"](#); [James Stang](#); [Vince Finaldi](#); [Fella, Elizabeth \(TUC x7755\)](#); [Winkelman, Lori L. \(PHX x3452\)](#); [John 2 Manly](#); [Davis, Jeffrey O. \(MKE x1317\)](#)  
**Subject:** [keptccomments] Lift Stay Motions [QBLLP-ACTIVE.FID37014021]  
**Date:** Tuesday, September 22, 2015 1:52:06 PM  
**Attachments:** [image001.jpg](#)  
[SGB comments to 9.18 draft of scheduling order.DOCX](#)

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Ilan

Here are my comments. I guess we will have to agree to disagree. It did not incorporate all my comments but I have included those comments and some additional changes. I am not sure whether you have heard from New Mexico Guaranty Fund and where you are with others on the order. In addition, I have added a provision to make it clear that we can seek relief from the Court including a continuance because of the failure of a party to disclose witnesses, exhibits or formal or informal discovery requests.

***Susan G. Boswell***

Attorney

***Quarles & Brady LLP***

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Mobile: (520) 349-6644

[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** Ilan D. Scharf [mailto:[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)]  
**Sent:** Monday, September 21, 2015 4:01 PM  
**To:** Boswell, Susan G. (TUC x7713); John 2 Manly  
**Cc:** Robert Pastor; 'edmazel@askewmazelfirm.com'; 'Mark Ish'; 'dspector@schiffhardin.com'; 'Cygol, Everett'; James Stang; Vince Finaldi; Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)  
**Subject:** RE: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

This incorporates every substantive comment you made with slight adjustments in the timeline.

I also have not heard from Catholic Mutual or the Guaranty Fund. Thus I assume they have no comments given the time they have had to respond as you so clearly describe below.

**Ilan D. Scharf**

Pachulski Stang Ziehl & Jones LLP

Tel: 212.561.7700 | Fax: 212.561.7777

[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)

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---

**From:** Ilan D. Scharf  
**Sent:** Monday, September 21, 2015 3:53 PM  
**To:** 'Boswell, Susan G. (TUC x7713)'; John 2 Manly  
**Cc:** Robert Pastor; 'edmazel@askewmazelfirm.com'; 'Mark Ish'; 'dspector@schiffhardin.com'; 'Cygal, Everett'; James Stang; Vince Finaldi; 'Fella, Elizabeth (TUC x7755)'; 'Winkelman, Lori L. (PHX x3452)'  
**Subject:** RE: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

All,

We haven't heard any comments to this revised draft. Please sign so that we can submit to chambers.

A copy is attached for everyone's convenience.

Regards,

Ilan

**Ilan D. Scharf**

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---

**From:** Ilan D. Scharf  
**Sent:** Wednesday, September 16, 2015 9:48 AM  
**To:** 'Boswell, Susan G. (TUC x7713)'; John 2 Manly  
**Cc:** Robert Pastor; [edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com); Mark Ish; [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett; James Stang; Vince Finaldi; Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)  
**Subject:** RE: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

Attached are clean and redlined copies of the scheduling order.

I will firm up a date with REDACTED Subject to his availability, do October 8, 13 or 14 work on your end?

Regarding Bishop Wall's deposition on 10/23 – I would have a hard stop at 3 pm Eastern/1 pm Mountain. Is he available any other day that week?

The Committee is available for Deacon Hoy's deposition on 10/21.

**Ilan D. Scharf**

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---

**From:** Boswell, Susan G. (TUC x7713) [<mailto:Susan.Boswell@quarles.com>]  
**Sent:** Tuesday, September 15, 2015 4:51 PM  
**To:** John 2 Manly  
**Cc:** Robert Pastor; Ilan D. Scharf; [edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com); Mark Ish; [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett; James Stang; Vince Finaldi; Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)  
**Subject:** RE: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

Everything is great John. Thank you for asking. I hope things are well with you.

***Susan G. Boswell***

Attorney

***Quarles & Brady LLP***

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---

**From:** John Manly [<mailto:JManly@manlystewart.com>]  
**Sent:** Tuesday, September 15, 2015 1:43 PM  
**To:** Boswell, Susan G. (TUC x7713)  
**Cc:** Robert E. Pastor; Ilan D. Scharf; [edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com); Mark Ish; [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett; James Stang; Vince Finaldi; Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)  
**Subject:** Re: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

Susan you seem upset. Is everything ok?

On Sep 15, 2015, at 1:39 PM, Boswell, Susan G. (TUC x7713)

<[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)> wrote:

I am still waiting for the proposed order and the response to the request for

documents. When will those be provided.

Also, I understand you served a request for documents on Rob Charles as attorney for the Catholic Peoples Foundation. I would appreciate the courtesy of copying us on any requests for documents from third parties in the future. Also, if you have sent other requests, please provide me with copies.

As to the depositions, have you gotten dates for all your witnesses? I also do not have a firm date for **REDACTED**. Please provide one. Also, where are the reports from Dan Brown that you committed to providing to me when we spoke last week? Please let me know when you are sending those. I need those this week.

As to the depositions of Bishop Wall and Deacon Hoy, Bishop Wall is available for deposition on Friday October 23 in Phoenix. Where do you want to do the deposition?

Also, as to Deacon Hoy, as you know, he longer lives in Gallup nor is he employed by the Diocese of Gallup. He lives in Silver City, New Mexico. He is available for deposition in Silver City on October 21. Please confirm those dates so that we can let everyone know that the dates are confirmed.

***Susan G. Boswell***

Attorney

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Direct Fax: (520) 770-2222

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[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** Robert E. Pastor [<mailto:repastor@mjpattorneys.com>]

**Sent:** Friday, September 11, 2015 9:42 AM

**To:** Boswell, Susan G. (TUC x7713)

**Cc:** Ilan D. Scharf; [edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com); Mark Ish; [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com);

Cygal, Everett; James Stang; John 2 Manly; Vince Finaldi

**Subject:** Re: Lift Stay Motions [QBLLP-ACTIVE.FID37014021]

Thank you Susan. The proposed order will be re-circulated.

Please send us dates so we can depose Bishop Wall and Deacon James Hoy.

Robert E. Pastor

Montoya, Jimenez & Pastor, P.A.

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Phoenix, Arizona 85012

[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)

Phone: 602-279-8969

Fax: 602-256-6667

On Sep 10, 2015, at 5:04 PM, Boswell, Susan G. (TUC x7713)  
<[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)> wrote:

Bob and Ilan

Based on our call yesterday, I am expecting a redraft of the Scheduling Order from Ilan. As I indicated in our call, I do not want to wait until November 2 to get your exhibits after I have taken all the depositions. Therefore, we need to come up with a date by which exhibits that any of us will or may use will be produced prior to depositions. Please let me know when you expect to send a second draft of the scheduling order.

Also, the two of you were going to talk further about whether you still contend that any part of **REDACTED** claim falls within the Catholic Mutual coverage period. As I told you on the phone, I (and I am sure David and Everett) thought that this issue was put to bed in early August when David sent his email to Jim about the issue. You seemed to indicate on the phone yesterday that might not be the case. I believe you need to let everyone know your position right away so that David and Everett are apprised.

*Susan G. Boswell*

Attorney

*Quarles & Brady LLP*

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Direct Fax: (520) 770-2222

Mobile: (520) 349-6644

[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

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# EXHIBIT "D"

**From:** [Boswell, Susan G.](#)  
**To:** [Ilan D. Scharf](#); [Fella, Elizabeth \(TUC x7755\)](#); [James Stang](#); [Robert Pastor](#); [John Manly](#); [Vince Finaldi](#); [Richard Fass](#); [Don Kidd](#); [Mazel Edward \(edmazel@askewmazelfirm.com\)](#) (edmazel@askewmazelfirm.com); [Mark Ish](#); [Spector, David](#); [Cygal, Everett](#)  
**Cc:** [Winkelman, Lori L. \(PHX x3452\)](#)  
**Subject:** RE: Diocese of Gallup - Debtor's September 4 document request [QBLLP-ACTIVE.FID37014021]  
**Date:** Thursday, October 08, 2015 9:05:33 AM  
**Attachments:** [image001.jpg](#)

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Ilan

This email is nonresponsive to the request. In our call on September 9 when we discussed our informal document request, you and Robert indicated that either there were no responsive documents, you were collecting responsive documents that were not subject to objection or the documents requested were subject to an applicable privilege. I requested that you provide a response to the request either producing the documents, producing a privilege log or responding in writing that there were no documents responsive to the request. None of that has been done and your disclosure is not responsive to what we requested. That request was served on September 4. When will we get the documents, the privilege log and/or the response?

**Susan Boswell / Partner**

One South Church Avenue, Suite 1700 / Tucson, AZ 85701-1621  
Office 520-770-8713 / Cell 520-349-6644

---

**From:** Ilan D. Scharf [mailto:ischarf@pszjlaw.com]  
**Sent:** Wednesday, October 07, 2015 3:00 PM  
**To:** Fella, Elizabeth (TUC x7755); James Stang  
**Cc:** Winkelman, Lori L. (PHX x3452); Boswell, Susan G. (TUC x7713)  
**Subject:** RE: Diocese of Gallup - Debtor's September 4 document request [QBLLP-ACTIVE.FID37014021]

Elizabeth,

As discussed with Susan, any documents the Committee would produce with respect to the motions to lift the automatic stay are either publicly filed on the docket or documents that the Debtors produced to the Committee. Susan asked that the Committee disclose such documents that we may rely on at the hearing. The Committee, along with the movants, did so in the attached disclosures on October 2.

To the extent we determine to rely upon any additional documents, we will supplement the disclosure.

Regards,

Ilan

**Ilan D. Scharf**

Pachulski Stang Ziehl & Jones LLP  
Tel: 212.561.7700 | Fax: 212.561.7777  
[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)



Los Angeles | San Francisco | Wilmington, DE | New York

---

**From:** Fella, Elizabeth (TUC x7755) [<mailto:Elizabeth.Fella@quarles.com>]  
**Sent:** Tuesday, October 06, 2015 12:42 PM  
**To:** James Stang; Ilan D. Scharf  
**Cc:** Winkelman, Lori L. (PHX x3452); Boswell, Susan G. (TUC x7713)  
**Subject:** Diocese of Gallup - Debtor's September 4 document request [QBLLP-ACTIVE.FID37014021]

Jim and Ilan,

I understand that **REDACTED** deposition is scheduled for Monday. As of today, however, we have received no materials from you in response to the informal document request that we sent you on September 4. (I attached the request and transmittal email to this email).

Please advise as to when we will receive documents. If we will not be receiving any documents, please let us know.

Thank you,

Elizabeth



**Elizabeth Fella** / Partner

[Elizabeth.Fella@quarles.com](mailto:Elizabeth.Fella@quarles.com) /

One South Church Avenue, Suite 1700 / Tucson, AZ 85701-1621

Office 520-770-8755 / [quarles.com](http://quarles.com)

Assistant Linda D. Vaubel 520-770-8749

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**From:** Boswell, Susan G. [<mailto:Susan.Boswell@quarles.com>]  
**Sent:** Friday, September 04, 2015 11:30 AM  
**To:** Robert E. Pastor; John 2 Manly; James Stang; Vince Finaldi  
**Cc:** Fella, Elizabeth (TUC x7755); [edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com); [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Richard Fass; Don Kidd; Ilan D. Scharf; Winkelman, Lori L. (PHX x3452); Davis, Jeffrey O. (MKE x1317)  
**Subject:** RE: RCCDG\Lift Stay Hearing [QBLLP-ACTIVE.FID37014021]

Counsel

I will send comments to the proposed order later today or over the weekend.

Attached is our "informal" document request to the Movants and the Committee. I would like to know when you think we can respond with the documents or if we need to serve it formally and request shortened time from Judge Thuma.

In any event we can certainly work with you on a rolling production and dates depending upon when the depositions get scheduled, etc.

***Susan G. Boswell***  
Attorney  
***Quarles & Brady LLP***  
One South Church Avenue  
Suite 1700  
Tucson, Arizona 85701-1621  
Direct Line: (520) 770-8713  
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# **EXHIBIT "E"**

**From:** [John Manly](#)  
**To:** [Boswell, Susan G. \(TUC x7713\)](#)  
**Cc:** [Ilan D. Scharf; dspector@schiffhardin.com](#); [Cygal, Everett \(ecygal@schiffhardin.com\)](#); [Fella, Elizabeth \(TUC x7755\)](#); [Winkelman, Lori L. \(PHX x3452\)](#); [Mazel Edward \(edmazel@askewmazelfirm.com\)](#) ([edmazel@askewmazelfirm.com](#)); [Don Kidd](#); [Richard Fass](#); [Robert Pastor](#); [Vince Finaldi](#); [James Stang](#); [Iain Nasatir](#); [Thomas Walker](#)  
**Subject:** Re: RCCDG\Discovery for Lift Stay [QBLLP-ACTIVE.FID37014021]  
**Date:** Wednesday, September 23, 2015 3:26:50 PM

---

Tell it to the judge.

On Sep 23, 2015, at 3:10 PM, Boswell, Susan G. (TUC x7713) <[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)> wrote:

John

I disagree with your accusations and your assumptions.

***Susan G. Boswell***  
Attorney  
***Quarles & Brady LLP***  
One South Church Avenue  
Suite 1700  
Tucson, Arizona 85701-1621  
Direct Line: (520) 770-8713  
Direct Fax: (520) 770-2222  
Mobile: (520) 349-6644  
[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** John Manly [<mailto:JManly@manlystewart.com>]  
**Sent:** Wednesday, September 23, 2015 2:39 PM  
**To:** Boswell, Susan G. (TUC x7713); Ilan D. Scharf; [dspector@schiffhardin.com](#); Cygal, Everett ([ecygal@schiffhardin.com](#)); Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)  
**Cc:** Mazel Edward ([edmazel@askewmazelfirm.com](#)) ([edmazel@askewmazelfirm.com](#)); Don Kidd; Richard Fass; Robert Pastor; Vince Finaldi; James Stang; Iain Nasatir; Thomas Walker  
**Subject:** RE: RCCDG\Discovery for Lift Stay [QBLLP-ACTIVE.FID37014021]

Susan, this is a clear attempt to silence the victims of your client from talking about their abuse. The fact that essentially the Bishop is telling the victims, who were raped as children, that they must be silent during the hearing and not discuss what happened to them and its impact on their lives and therefore the need for relief from stay is absolutely incredible. The fact you would send this email on the very same day that the Pope is in the United States trying to convey the exact opposite message says much about you and your client (or perhaps the sincerity of his Holiness' message). The term "hypocrites" does cross my mind. Speaking only for our clients we will present the evidence we deem necessary to meet the appropriate standard of proof.

To the extent that includes evidence you don't like please feel free to object. We intend to use this motion to lift the stay and nothing more.

---

**From:** Boswell, Susan G. (TUC x7713) [<mailto:Susan.Boswell@quarles.com>]  
**Sent:** Wednesday, September 23, 2015 2:30 PM  
**To:** Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>; [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)) <[ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)>; Fella, Elizabeth (TUC x7755) <[Elizabeth.Fella@quarles.com](mailto:Elizabeth.Fella@quarles.com)>; Winkelman, Lori L. (PHX x3452) <[Lori.Winkelman@quarles.com](mailto:Lori.Winkelman@quarles.com)>  
**Cc:** Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) <[edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)>; Don Kidd <[dkidd@perdueandkidd.com](mailto:dkidd@perdueandkidd.com)>; John Manly <[JManly@manlystewart.com](mailto:JManly@manlystewart.com)>; Richard Fass <[rfass@perdueandkidd.com](mailto:rfass@perdueandkidd.com)>; Robert Pastor <[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)>; Vince Finaldi <[VFinaldi@manlystewart.com](mailto:VFinaldi@manlystewart.com)>; James Stang <[jstang@pszjlaw.com](mailto:jstang@pszjlaw.com)>; Iain Nasatir <[inasatir@pszjlaw.com](mailto:inasatir@pszjlaw.com)>; Thomas Walker <[twalker@walkerlawpc.com](mailto:twalker@walkerlawpc.com)>  
**Subject:** RE: RCCDG\Discovery for Lift Stay [QBLLP-ACTIVE.FID37014021]

Dear Counsel:

Based upon discussions we have had and also in reviewing the discovery requests, it has become apparent to us that it is your intent to try and introduce evidence regarding the merits of the underlying claims, including liability and damages. We do not believe the merits of the underlying claims or the amount of damages are issues in the lift stay motions nor are they issues in any motion for relief from the removal orders. Moreover if you are intending to try and deal with those issues in the upcoming evidentiary hearings, the time and goes up exponentially. Accordingly, unless you confirm that you do not intend to introduce evidence and/or argue the merits and damages of the underlying claims, we intend to file a motion in limine to preclude such evidence and argument. Please respond to this email by Friday, September 25, 2015. If you do not respond, we will assume that you are intending to introduce such evidence and try or argue the merits of the underlying claims and will proceed accordingly.

*Susan G. Boswell*  
Attorney  
*Quarles & Brady LLP*  
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Suite 1700  
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Direct Line: (520) 770-8713  
Direct Fax: (520) 770-2222  
Mobile: (520) 349-6644  
[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** Ilan D. Scharf [<mailto:ischarf@pszjlaw.com>]



**Sent:** Monday, September 21, 2015 12:50 PM

**To:** [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); Boswell, Susan G. (TUC x7713); Fella, Elizabeth (TUC x7755); Winkelman, Lori L. (PHX x3452)

**Cc:** Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Don Kidd; Ilan D. Scharf; John 2 Manly; Richard Fass; Robert Pastor; Vince Finaldi; James Stang; Iain Nasatir

**Subject:** RCCDG\Discovery for Lift Stay

Dear Counsel,

Please see attached the following:

1. Notice of deposition to Debtors;
2. Notice of deposition to Catholic Mutual;
3. Request for production of documents to Debtors; and
4. Request for production of documents to Catholic Mutual.

We are available to discuss.

Very truly yours,

Ilan Scharf

**Ilan D. Scharf**

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<image001.jpg>

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From: [Robert E. Pastor](#)  
To: [John Manly](#)  
Cc: [Boswell, Susan G. \(TUC x7713\)](#); [Cygol, Everett \(ecygal@schiffhardin.com\)](#); [Winkelman, Lori L. \(PHX x3452\)](#); [Richard Fass](#); [Iain Nasatir](#); [Mazel Edward \(edmazel@askewmazelfirm.com\)](#) ([edmazel@askewmazelfirm.com](#)); [James Stang](#); [Don Kidd](#); [Vince Finaldi](#); [Fella, Elizabeth \(TUC x7755\)](#); [Ilan D. Scharf](#); [dspector@schiffhardin.com](#); [Thomas Walker](#)  
Subject: Re: RCCDG\Discovery for Lift Stay [QBLLP-ACTIVE.FID37014021]  
Date: Thursday, September 24, 2015 11:34:25 AM

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"It is your God-given responsibility as pastors to bind up the wounds caused by every breach of trust, to foster healing, to promote reconciliation and to reach out with loving concern to those so seriously wronged."

Pope Benedict XVI  
Address to U.S. Bishops  
National Shrine of the Immaculate Conception  
April 16, 2019

Bishop Wall failed that responsibility too; he can't even return the phone call of a survivor.

No worries, I'm a shepherd too . . . kill the wolves and coyotes before its too late my grandfather would tell me.

Robert E. Pastor  
Montoya, Jimenez & Pastor, P.A.  
3200 N. Central Avenue, Suite 2550  
Phoenix, Arizona 85012

[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)  
Phone: 602-279-8969  
Fax: 602-256-6667

On Sep 24, 2015, at 10:50 AM, John Manly  
<[JManly@manlystewart.com](mailto:JManly@manlystewart.com)> wrote:

Im pretty sure that's an ex cathedra statement by his Holiness. Look it up. I think it's immoral for you to continue to take the position pursuant to Cannon law. Just concerned you know the rules. :)

On Sep 24, 2015, at 10:47 AM, Boswell, Susan G. (TUC x7713)  
<[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)> wrote:

Yes

Susan G. Boswell  
Quarles& Brady LLP  
One South Church, Suite 1700

Tucson, AZ 85701  
(520) 770-8713  
Cell: (520) 349-6644

---

**From:** John Manly <[JManly@manlystewart.com](mailto:JManly@manlystewart.com)>  
**Date:** 24 September 2015 at 10:46:21 a.m. GMT-7  
**To:** Robert E. Pastor <[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)>  
**Cc:** Boswell, Susan G. (TUC x7713) <[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)>, Fella, Elizabeth (TUC x7755) <[Elizabeth.Fella@quarles.com](mailto:Elizabeth.Fella@quarles.com)>, Don Kidd <[dkidd@perdueandkidd.com](mailto:dkidd@perdueandkidd.com)>, Cygal, Everett ([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)) <[ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)>, Vince Finaldi <[VFinaldi@manlystewart.com](mailto:VFinaldi@manlystewart.com)>, Ilan D. Scharf <[ischarf@pszjlaw.com](mailto:ischarf@pszjlaw.com)>, Winkelman, Lori L. (PHX x3452) <[Lori.Winkelman@quarles.com](mailto:Lori.Winkelman@quarles.com)>, Thomas Walker <[twalker@walkerlawpc.com](mailto:twalker@walkerlawpc.com)>, Iain Nasatir <[inasatir@pszjlaw.com](mailto:inasatir@pszjlaw.com)>, James Stang <[jstang@pszjlaw.com](mailto:jstang@pszjlaw.com)>, Richard Fass <[rfass@perdueandkidd.com](mailto:rfass@perdueandkidd.com)>, [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com) <[dspector@schiffhardin.com](mailto:dspector@schiffhardin.com)>, Mazel Edward ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) ([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)) <[edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)>  
**Subject:** Re: RCCDG\Discovery for Lift Stay [QBLLP-ACTIVE.FID37014021]

Send it to Boswell and company. It should be the opening line of every single document filed in the case from this day forward.

On Sep 24, 2015, at 10:18 AM, Robert E. Pastor <[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)> wrote:

"I would like to call attention to those family members who are the most vulnerable, the young. For many of them a future filled with countless possibilities beckons. Yes so many others seem disoriented and aimless; trapped in a hopeless maze of violence, abuse, and despair. Their problems are our problems. We cannot avoid them. We need to face them together to talk about them and to seek effective solutions rather than getting bothered down by discussion."

- Pope Francis  
Address to Joint session of the U.S. Congress  
9/24/15

Susan:

I urge you to read Pope Francis' words a second time and think about the client you serve, the promises it has made, and the greater good it claims to be working toward. Ask yourself whether you have fostered that agenda. I think not.

Since the beginning of this bankruptcy you have been a divisive force; fighting with David Spector, John Manly, Jim Stang, me and I suspect your own client. Your complete inability to build consensus, find common ground and reach a resolution is sad because it is such a great disservice to your client and the church he pretends to lead.

We will present the case we need to in order to convince the court that lifting the stay is the most equitable and merciful way to bring this case to resolution. The court will learn that the countless possibilities that existed for them as children were snuffed out by a pedophile priest. The court will know that our clients have been trapped in a hopeless maze filled with violence, abuse and despair because a Catholic priest raped them as a child. The court will learn that your divisive and obstructionist tactics is the type of discussion that has gotten in the way of reaching a resolution.

In this country when parties cannot resolve their disputes we let juries decide the facts and appropriate remedy. Since your client lacks the courage to face these survivors of abuse and do what is right we have no other choice. Your client has ignored these survivors of abuse long enough. We believe a jury needs to shed light on what Bishop Wall is unwilling to see.

"If anyone causes one of these little ones to stumble, it would be better for them to have a large millstone hung around their neck and to be drowned in the depths of the sea."  
Matthew 18:6

Good day,

Robert E. Pastor

Montoya, Jimenez & Pastor, P.A.  
3200 N. Central Avenue, Suite 2550  
Phoenix, Arizona 85012

[repastor@mjpattorneys.com](mailto:repastor@mjpattorneys.com)

Phone: 602-279-8969

Fax: 602-256-6667

On Sep 23, 2015, at 2:30 PM, Boswell,  
Susan G. (TUC x7713)  
<[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)> wrote:

Dear Counsel:

Based upon discussions we have had and also in reviewing the discovery requests, it has become apparent to us that it is your intent to try and introduce evidence regarding the merits of the underlying claims, including liability and damages. We do not believe the merits of the underlying claims or the amount of damages are issues in the lift stay motions nor are they issues in any motion for relief from the removal orders. Moreover if you are intending to try and deal with those issues in the upcoming evidentiary hearings, the time and goes up exponentially. Accordingly, unless you confirm that you do not intend to introduce evidence and/or argue the merits and damages of the underlying claims, we intend to file a motion in limine to preclude such evidence and argument. Please respond to this email by Friday, September 25, 2015. If you do not respond, we will assume that you are intending to introduce such evidence and try or argue the merits of the underlying claims and will proceed accordingly.

*Susan G. Boswell*

Attorney

*Quarles & Brady LLP*

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Direct Fax: (520) 770-2222

Mobile: (520) 349-6644

[Susan.Boswell@quarles.com](mailto:Susan.Boswell@quarles.com)

---

**From:** Ilan D. Scharf  
[<mailto:ischarf@pszjlaw.com>]  
**Sent:** Monday, September 21, 2015 12:50 PM  
**To:** [dspector@schiffhardin.com](mailto:dspector@schiffhardin.com); Cygal, Everett  
([ecygal@schiffhardin.com](mailto:ecygal@schiffhardin.com)); Boswell, Susan G.  
(TUC x7713); Fella, Elizabeth (TUC x7755);  
Winkelman, Lori L. (PHX x3452)  
**Cc:** Mazel Edward  
([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com))  
([edmazel@askewmazelfirm.com](mailto:edmazel@askewmazelfirm.com)); Don Kidd; Ilan  
D. Scharf; John 2 Manly; Richard Fass; Robert  
Pastor; Vince Finaldi; James Stang; Iain Nasatir  
**Subject:** RCCDG\Discovery for Lift Stay

Dear Counsel,

Please see attached the following:

1. Notice of deposition to Debtors;
2. Notice of deposition to Catholic Mutual;
3. Request for production of documents to Debtors; and
4. Request for production of documents to Catholic Mutual.

We are available to discuss.

Very truly yours,

Ilan Scharf

**Ilan D. Scharf**

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