

IT IS ORDERED

Date Entered on Docket: October 26, 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, a New Mexico  
corporation sole,

Debtor.

Jointly Administered with:

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

This pleading applies to:

- All Debtors.  
 Specified Debtor.

Chapter 11

Case No. 13-13676-t11

**Jointly Administered with:**

Case No. 13-13677-t11

**THIRD MEDIATION ORDER**

This matter came before the Court at a hearing on October 15, 2015 (the “**Hearing**”), held pursuant to the “Debtors’ Emergency Motion to Continue Trial Scheduled to Commence on November 10, 2015; and Request for Expedited Hearing” [Dkt. No. 448] filed by Roman Catholic Church of the Diocese of Gallup (“**RCCDG**”) and the Bishop of the Roman Catholic

Church of the Diocese of Gallup (the “**Arizona Entity**,” and collectively with RCCDG, the “**Debtors**”). At the Hearing, discussion was held regarding the scheduling of mediation among numerous parties in the above-captioned, jointly administered reorganization cases (the “**Reorganization Cases**”). Previous mediation conferences were held in the Reorganization Cases pursuant to the “Mediation Order” [Dkt. No. 374] and “Second Mediation Order” [Dkt. No. 425].

Based upon the Hearing, the entire record before this Court, and for good cause shown,  
IT IS HEREBY ORDERED:

A. Mediation pertaining to the Reorganization Cases will be held before Frank “Dirk” Murchison (the “**Mediator**”) whose fees and expenses will be paid by the Catholic Mutual Relief Society of America and/or the Catholic Relief Insurance Company of America. The mediation shall take place either (1) at the State Bar of New Mexico located at 5121 Masthead NE, Albuquerque, New Mexico 87109; (2) at the offices of Quarles & Brady LLP located at Renaissance One, Two N. Central Avenue, Phoenix, Arizona 85004; or (3) at such other place as determined by the Mediator on December 3 and 4, 2015; and at such other times, dates, and locations (or via telephone) as the Mediator may fix with the consent of the parties or through further order of the Court;

B. The Province of St. John the Baptist of the Order of Friars Minor will participate in the mediation voluntarily. 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) Sacred Heart Cathedral in Gallup, New Mexico; (vii) St. John the Baptist in St. Johns,

Arizona (viii) Catholic Peoples Foundation; and (ix) the Unknown Claims Representative (individually, a “**Party**” and collectively, the “**Parties**”), at such times, dates, and locations (or by telephone) as the Mediator may fix with the consent of the Parties or through further order of the Court;

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

D. All Committee members and Bishop Wall must attend the mediation, unless an emergency or substantial hardship arises preventing his or her attendance;

E. 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;

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

G. 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;

H. 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;

I. 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;

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

K. 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, except with respect to the Province of St. John the Baptist of the Order of Friars Minor, which reserves the right to dispute the Court's jurisdiction in all respects, including jurisdiction to order it to attend the mediation.

**XXX END OF ORDER XXX**

Submitted by:

/s/ Elizabeth S. Fella

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## Notice Recipients

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Case: 13-13676-t11

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