

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11
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THE ROMAN CATHOLIC DIOCESE OF	:	Case No. 20-12345 (SCC)
ROCKVILLE CENTRE, NEW YORK, <sup>1</sup>	:	
	:	
Debtor.	:	

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**ORDER IMPLEMENTING CERTAIN  
NOTICE AND CASE MANAGEMENT PROCEDURES**

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This Court has considered the *Motion Pursuant to 11 U.S.C. § 105(a) and Fed. R. Bankr. P. 1015(c), 2002(m) and 9007 for an Order Implementing Certain Notice and Case Management Procedures* (the “Motion”),<sup>2</sup> the First Day Declaration, and the statements of counsel and the evidence adduced with respect to the Motion at a hearing before this Court (the “Hearing”). This Court has found that (i) this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the Amended Standing Order, (ii) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409 and (iii) notice of the Motion and the Hearing was sufficient under the circumstances. After due deliberation, this Court has determined that the relief requested in the Motion is in the best interests of the Debtor, its estate and creditors, and is necessary to prevent immediate and irreparable harm to the Debtor and its estate; and good and sufficient cause having been shown;

**ACCORDINGLY, IT IS HEREBY ORDERED THAT:**

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<sup>1</sup> The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is 50 North Park Avenue P.O. Box 9023, Rockville Centre, NY 11571-9023.

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meanings given to them in the Motion.

1. The Motion is GRANTED as set forth herein.
2. The Case Management Procedures attached hereto as **Exhibit 1** are approved and shall govern all aspects of this chapter 11 case, except as otherwise ordered by the Court.
3. The first three Omnibus Hearings are scheduled as follows:
  - November 18, 2020 at 11:00 a.m. (Prevailing Eastern Time);
  - December 9, 2020 at 10:00 a.m. (Prevailing Eastern Time); and
  - January 14, 2021 at 10:00 a.m. (Prevailing Eastern Time).
4. The Case Management Procedures shall supersede the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules in this chapter 11 case in the event of any conflict between the Case Management Procedures and such provisions and rules.
5. The Case Management Procedures shall not apply to any related adversary proceeding commenced during the pendency of this chapter 11 case, except as provided therein.
6. The Debtor and the Claims and Noticing Agent are authorized to take all such actions as are necessary or appropriate to implement the terms of this Order.
7. No later than two (2) business days after the date of this Order, the Debtor shall serve a copy of this Order on the Notice Parties and shall file a certificate of service no later than 24 hours after service.
8. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: November 4, 2020  
New York, New York

/S/ Shelley C. Chapman  
UNITED STATES BANKRUPTCY JUDGE

**Exhibit 1**

**Case Management Procedures**

## CASE MANAGEMENT PROCEDURES

### **I. Filing Court Documents**

1. Pursuant to the Court's General Order M-399 (available at <http://www.nysb.uscourts.gov/sites/default/files/m399.pdf>), all documents filed in the chapter 11 case, including, but not limited to, all motions, applications, and other matters requiring notice or notice and a hearing (collectively, the "Motions"), all objections and responses to Motions (the "Objections"), all replies to Objections (the "Replies") and all other documents filed with the Court (together with the Motions, Objections, and Replies, the "Court Documents") by parties represented by an attorney shall be filed electronically with the Court by registered users of the Court's case filing system (the "ECF System")<sup>1</sup> and by all other parties in interest on a CD-ROM in text-searchable portable document format ("PDF"), Microsoft Word, or any other Word-based word processing format.

2. A "Notice of Hearing" shall be affixed to all Motions and shall include the following: (i) the title of the Motion; (ii) a brief description of the relief sought; (iii) the deadline for the filing of Objections (the "Objection Deadline"); (iv) the date of the hearing at which the Motion shall be considered by the Court; and (v) a statement that the relief requested may be granted without a hearing if no Objection is timely filed and served.

3. The Objection Deadline and hearing date shall appear on the upper-right corner of the Notice of Hearing and on the upper-right corner of the first page of each Motion and any Objection thereto.

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<sup>1</sup> Information on the ECF System, including how to obtain a login and password, can be obtained at [www.nysb.uscourts.gov/ecf-and-pacer-information](http://www.nysb.uscourts.gov/ecf-and-pacer-information).

## II. Service of Court Documents

4. Except with respect to the Core Parties and Particularized Interest Parties (each as defined below), all parties in interest, whether or not they have filed or file after the date hereof, a notice of appearance or request for service of papers under Bankruptcy Rule 2002, shall be deemed to receive electronic notice through the ECF System of each pleading filed with the Court, effective as of the date such Court Document is posted on the Court's ECF System, and therefore need not be separately served with such Court Document.

5. Each Court Document shall separately be served (in addition to service via the ECF System) on: (a) the Office of the United States Trustee for Region 2; (b) the holders of the 20 largest unsecured claims against the Debtor; (c) the Internal Revenue Service; (d) the office of the attorney general for the State of New York; (e) the United States Attorney's Office for the Southern District of New York; and (f) any other party in interest who files a notice of appearance and a request for service of Court Documents as set forth in paragraph 7 (collectively, the "Core Parties").

6. Any party in interest that wishes to receive service of Court Documents in the chapter 11 case and wishes to be added to the Core Parties List (defined below), pursuant to subpart (f) of the foregoing paragraph 5, shall file a notice of appearance (a "Notice of Appearance") and request for service of papers in accordance with Bankruptcy Rules 2002 and 9010(b). The Notice of Appearance shall include the following: (i) the requesting party's name and address; (ii) the name of the client, if applicable; (iii) the requesting party's telephone number; (iv) the requesting party's email address for service by electronic transmission; (v) the requesting party's address for service by U.S. mail, hand delivery, and/or overnight delivery; and (vi) the requesting party's facsimile number for service by facsimile.

7. The Debtor shall maintain a service list of all the Core Parties (the “Core Parties List”). The Core Parties List shall be updated monthly and posted on the Case Website, and shall include names, addresses, facsimile numbers and e-mail addresses (where available) for the Core Parties. A Court Document shall be deemed served on all the Core Parties if it is served on the parties on the most recent Core Parties List that has been posted on the Case Website as of the day prior to the date of service.

8. Each Court Document shall also be served (in addition to service via the ECF System) on each person, entity and governmental agency believed to have or be claiming an interest in the subject matter of the Court Document or who, it is believed, otherwise would be affected by the Court Document (each, a “Particularized Interest Party”).

9. Service and delivery of all Court Documents shall be made electronically, except that if any individual or entity certifies in a Notice of Appearance that such individual or entity does not maintain and cannot practicably obtain an e-mail address, then Court Documents shall be served upon such individuals and entities by U.S. mail, overnight delivery, or facsimile, at the discretion of the party who is serving the relevant Court Document.

10. All Court Documents served by a party by e-mail (other than through the ECF System) shall include access to an attached file or files containing the entire Court Document, including the proposed form of order and any exhibits and attachments, in PDF format or, in the case of the Debtor, a hyperlink to a copy of such Court Document on the Case Website. Notwithstanding the foregoing, if a Court Document cannot be annexed to an e-mail (because of size, technical difficulties, or otherwise) and, in the case of the Debtor, cannot be made available on the Case Website, the serving party may, in its sole discretion, (a) serve the entire Court Document by U.S. mail, hand delivery, overnight delivery or facsimile, including the proposed

form of order and any exhibits, attachments, and other relevant materials, or (b) serve by e-mail a notice stating that the Court Document cannot be attached but is available on the Court's ECF System and will be mailed only if requested by the party receiving the notice.

11. Service of a Court Document through the ECF System shall be effective as of the date such Court Document is posted on the Court's ECF System. Service by e-mail (other than through the ECF System) on a party shall be effective as of the date the Court Document (or a notice stating that the Court Document cannot be attached but is available on the Court's ECF System or the Case Website) is transmitted by e-mail to the address provided by such party.

12. Pursuant to Local Rule 9070-1, one hard copy of each Court Document, including those filed electronically, other than proofs of claim, shall be delivered to the Clerk of the Bankruptcy Court (the "Clerk") for transmittal to the U.S. Trustee. In addition, unless the Court directs otherwise, at least one hard copy of all Court Documents, other than proofs of claim, shall be marked "Chambers Copy" and delivered or mailed to the Clerk's office no later than the next business day after the Court Document is electronically filed.

13. Upon the filing of any Court Document, other than a Motion seeking emergency or expedited relief, the filing party shall file with the Court either an affidavit of service or a certificate of service (each, a "Proof of Service") in accordance with the Local Rules and the Proposed Order within 3 business days of the filing of the related Court Document. In the case of a Motion seeking emergency or expedited relief, a Proof of Service must be filed within 24 hours of the filing of the related Motion. Proofs of Service need not be served on any party.

14. Notice and service accomplished in accordance with the provisions set forth in the Case Management Procedures shall be deemed adequate in all respects pursuant to the Bankruptcy Code, the Bankruptcy Rules and the Local Rules.

### III. Scheduling of Hearings and Deadlines for Filing Court Documents

15. The Debtor shall be authorized to schedule, in cooperation with the Court, periodic omnibus hearings (“Omnibus Hearings”) at which Motions and other requests for relief shall be heard. Upon scheduling, the Claims and Noticing Agent shall post the date of the Omnibus Hearings on the case website, located at <https://dm.epiq11.com/drvc>. At least 2 days before any Omnibus Hearing, the Debtor shall file with the Court an agenda setting forth each matter to be heard at such hearing, which agenda may be updated or amended from time to time thereafter, to the extent necessary. The matters listed on the agenda shall be limited to matters of substance and shall not include administrative filings, such as Notices of Appearance and Proofs of Service.

16. Parties may, by consent, agree to adjourn matters from a scheduled Omnibus Hearing to a new hearing date, which may be indicated as adjourned matter(s) on the applicable agenda in lieu of filing a separate notice of adjournment; provided that for all matters to be heard at a later Omnibus Hearing or some other future date, the Debtor will also electronically file on the docket (but need not serve) a notice of adjournment with respect to such matter(s).

17. Unless otherwise ordered by the Court, the following guidelines shall apply to all Omnibus Hearings:

- (a) Motions shall not be considered by the Court unless filed and served in accordance with these Case Management Procedures at least 14 days before the next available Omnibus Hearing.
- (b) Hearings in connection with claims objections, trials related to adversary proceedings, and related hearings may be scheduled for dates other than the regular Omnibus Hearing dates. However, initial pre-trial conferences scheduled in connection with adversary proceedings shall be set on the next available Omnibus Hearing date that is at least 45 days after the filing of the complaint, except as otherwise ordered by the Court.
- (c) Unless the Court directs otherwise, if a Court Document purports to set a hearing date that is inconsistent with the Case Management Procedures, the hearing shall



be scheduled, without the necessity of a Court order, for the next available Omnibus Hearing in accordance with these Case Management Procedures, and the Debtor shall notify the movant of these Case Management Procedures.

- (d) Notwithstanding any procedure herein, nothing herein shall restrict any entity from requesting an emergency hearing.

18. The deadline for any party to file an Objection to any Motion, including any joinder to an Objection or any statement in respect of a Motion, other than a Motion seeking relief from the automatic stay filed by a party other than the Debtor (the “Objection Deadline”), shall be (i) 4:00 p.m. (Prevailing Eastern Time) on the date that is seven (7) calendar days before the applicable hearing date; or (ii) any date and time otherwise ordered by the Court; provided that if a Motion is filed in advance of the deadline for the filing of a Motion pursuant to paragraph 17 above (the “Filing Deadline”), then the Objection Deadline for such Motion may be set for a date that is more than seven (7) calendar days before the applicable hearing date, such date being equal to seven (7) calendar days plus the number of calendar days such Motion was filed in advance of the Filing Deadline; provided further that notwithstanding anything to the contrary herein, the Debtor, any official committee appointed in this chapter 11 case, and the U.S. Trustee, but no other party, are authorized to file statements in support of Motions by the Reply Deadline (defined below). The Objection Deadline only may be extended with the consent of the movant or applicant and the Court. No Objection shall be considered timely unless filed with the Court and served on or before the applicable Objection Deadline. All parties filing an Objection shall include their telephone number and e-mail address in the signature block on the last page of the Objection.

19. A Motion may be granted without a hearing, provided that, after the passage of the Objection Deadline, an attorney for the entity who filed the Motion files a declaration

pursuant to 28 U.S.C. § 1746 and Local Rule 9075-2 indicating that no Objection has been filed or served in accordance with these Case Management Procedures.

20. If an Objection is filed, then unless otherwise ordered by the Court, any reply to that Objection shall be filed with the Court and served in accordance with these Case Management Procedures on or before 12:00 p.m. (prevailing Eastern Time) on the date that is three (3) days before the date of the applicable hearing (the “Reply Deadline”).

21. If a Motion to extend the time for the Debtor to take any action is filed consistent with these Case Management Procedures before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, or the provisions of any order entered by this Court, such period shall be extended by the filing of such motion pending the Court’s ruling on such motion.

22. Unless otherwise ordered by the Court, the Case Management Procedures shall not supersede the requirements for notice of the proceedings described in Bankruptcy Rules 2002(a), 2002(b), 2002(d), 2002(f) and 9006.

23. Notwithstanding the deadlines set forth herein, a party may settle or present a proposed order for approval by the Court in accordance with Local Rule 9074-1; provided that the presentment of a proposed order pursuant to Local Rule 9074-1(c), or any other similar administrative or standard order, must be filed and served at least seven (7) days before the presentment date.

#### **IV. Motions for Relief from the Automatic Stay**

24. In accordance with Local Rule 4001-1, notwithstanding anything contained herein, unless otherwise ordered by the Court, a motion for relief from the automatic stay (a “Stay Relief Motion”) filed by any party other than the Debtor pursuant to section 362 of the Bankruptcy Code shall ordinarily be set for an Omnibus Hearing giving a minimum of 21 days’

notice, and the Objection Deadline for such Motion shall be seven (7) days before the scheduled hearing.

25. Notwithstanding section 362(e) of the Bankruptcy Code, if a scheduled Stay Relief Motion with respect to a request for relief by a party other than the Debtor under section 362(d) of the Bankruptcy Code is set for a hearing to take place on a date that is more than 30 days from the date of such Stay Relief Motion, or if such Stay Relief Motion is adjourned upon the consent of the Debtor and the moving party to a date that is more than 30 days from the date of such Stay Relief Motion, the moving party shall be deemed to have consented to the continuation of the automatic stay in effect pending the conclusion of, or as a result of, a final hearing and determination under section 362(d) of the Bankruptcy Code, and shall be deemed to have waived its right to assert the termination of the automatic stay under section 362(e) of the Bankruptcy Code.

#### **V. Form of Court Documents**

26. Notwithstanding section 342(c) of the Bankruptcy Code and Bankruptcy Rule 2002(n), notices given by the Debtor shall not be required to contain the address and taxpayer identification number of the Debtor.

27. Nothing in these Case Management Procedures shall prejudice the right of any party to move the Court to request relief under section 107(b) of the Bankruptcy Code or Bankruptcy Rule 9018 to protect any entity with respect to a trade secret or confidential research, development, or commercial information, or to protect a person with respect to scandalous or defamatory matter contained in a Court Document filed in this chapter 11 case.

#### **VI. Discovery**

28. Expedited discovery in contested matters in this chapter 11 case is authorized without further Court order. This authorization is without prejudice to the rights of any party or

witness to seek protective order relief if the time to respond or appear, or the burden of the requested discovery, is unreasonable or for other cause shown. Parties are expected to work informally and cooperatively to effect any necessary discovery, with due recognition of the time exigencies that are typical in bankruptcy litigation.

29. Pursuant to and in accordance with Local Rule 7007-1, parties are required in the first instance to resolve discovery and due diligence disputes by negotiation in good faith and, if necessary, by a conference call with the Court without submission of papers. The Court will make itself available for such calls, but such calls will not be scheduled until and unless the parties have first tried and failed to resolve the disputed matters themselves. Unless otherwise ordered by the Court, no Motion with respect to a discovery or due diligence dispute may be filed unless the parties have first conferred in good faith to resolve it and also sought to resolve the matter by conference call with the Court.

## **VII. Telephonic Appearances**

30. Attorneys for parties in this chapter 11 case may appear telephonically at hearings. A party that wishes to participate via a live telephone line must notify counsel to the Debtor at least 48 hours before the scheduled hearing. The party participating telephonically must arrange such participation with CourtSolutions LLC, adhering to the Case Management Procedures for telephonic participation applicable in the United States Bankruptcy Court for the Southern District of New York, as well as those required by the Court. Those participating by phone may not use speakerphones, unless first authorized by the Court; by reason of technical limitations of the equipment, and the way speakerphones disrupt proceedings in the courtroom, speakerphone authorizations will usually not be granted. Persons participating by phone (and especially by speakerphone) must put their phones on “mute” except when they need to be heard. Persons so participating are not to put their phones on “hold” under any circumstances.

31. Hearings in this case may be conducted telephonically during the COVID-19 pandemic, in accordance with the Court's General Order M-543 or any amended or superseding order. Parties wishing to participate in a hearing telephonically must register with Court Solutions, as described above, and comply with requirements set forth in General Order M-543 or any amended or superseding order, and the Court's Chambers Rules.

#### **VIII. Claims and Noticing Agent and Case Website**

32. The Debtor, in cooperation with Claims and Noticing Agent, is hereby authorized to create and maintain an independent Case Website for the posting of certain information regarding this chapter 11 case, including, in the Debtor's sole discretion, certain orders, decisions or other Court Documents filed in this chapter 11 case.

33. The Claims and Noticing Agent shall maintain a master list containing the name and address of each creditor of the Debtor (the "Creditor Matrix"). The Debtor shall file with the Court the Creditor Matrix and, on a periodic basis, any amendments thereto.

#### **IX. Amendments and Notice of Order**

34. The Debtor may seek to amend the Case Management Procedures occasionally throughout this chapter 11 case and shall present such amendments to the Court by Motion in accordance with the Case Management Procedures.

35. The Debtor shall make the order approving the Case Management Procedures available on the Case Website, and, within two (2) days after its entry, serve it by U.S. mail, hand delivery, facsimile or e-mail on the Core Parties and all parties that, prior to the date of the entry of the order approving the Case Management Procedures, have requested notice pursuant to Bankruptcy Rule 2002.

**X. Time.**

36. Any time period prescribed or allowed by these Case Management Procedures shall be computed in accordance with Bankruptcy Rule 9006.

37. Nothing in these Case Management Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 2002(m), 9006(b), and 9006(c).