

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

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In re:

THE ROMAN CATHOLIC DIOCESE OF  
ROCKVILLE CENTRE, NEW YORK,<sup>1</sup>

Debtor.

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: Chapter 11  
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: Case No. 20-12345 (SCC)  
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**AMENDED JOINT STIPULATION AND AGREED ORDER  
GRANTING LIMITED RELIEF FROM THE AUTOMATIC STAY**

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WHEREAS, on August 7, 2018, Raymond Lewis (the "Plaintiff") commenced a personal injury action entitled *A.L., by her guardian Raymond Lewis v. Holy Trinity Diocesan High School, et al.*, No. 0602927/2018 (N.Y. Sup. Ct.) (the "State Court Action") in the New York Supreme Court (Nassau County) (the "Trial Court"), asserting claims arising out of injuries sustained in connection with a swimming pool accident;

WHEREAS, the Roman Catholic Diocese of Rockville Centre (the "DRVC" or "Debtor") Holy Trinity Diocesan High School, Chaminade High School, and Sacred Heart Academy, among others, are named as defendants in the State Court Action (collectively, the "Defendants");

WHEREAS, on January 13, 2020, the Trial Court issued an order, entered on February 19, 2020, denying all motions for summary judgment submitted by the Defendants;

WHEREAS, on February 21, 2020, the DRVC and Holy Trinity defendants filed an appeal of the Trial Court's denial of their motion for summary judgment to the Appellate Division of the New York Supreme Court (Second Department) (the "Appellate Court");

WHEREAS, on February 26, 2020, the Sacred Heart defendants filed a cross-appeal on the

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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.

Trial Court's denial of their motion for summary judgment on the Chaminade defendants' cross-claims for contractual indemnification.

WHEREAS, on September 10, 2020, briefing with respect to all appeals/cross-appeal was completed in the Appellate Court, and the appeals/cross-appeal were submitted to the Appellate Court for scheduling of oral argument and decision;

WHEREAS, on October 1, 2020, the DRVC commenced the above-captioned chapter 11 case;

WHEREAS, pursuant to 11 U.S.C. § 362(a), the filing of the Debtor's chapter 11 petition operated as an automatic stay of the further prosecution against the Diocese in the State Court Action and the Appeal;

WHEREAS, on October 1, 2020, the Appellate Court issued a notice staying the further prosecution of the appeals/cross-appeal;

WHEREAS, the parties to this Joint Stipulation have met and conferred and agree that it is appropriate to enter a limited modification to the automatic stay for the sole purpose of allowing the Appellate Court to schedule oral argument and decide the appeals/cross-appeals submitted by both the Holy Trinity and Sacred Heart defendants; and

WHEREAS, in order to effectuate this agreement, the Debtor has filed a *Motion for Entry of Joint Stipulation and Agreed Order Granting Limited Relief from the Automatic Stay* (the "Motion"), seeking entry of this Order.

After due deliberation and sufficient cause appearing therefor, **THE COURT FINDS AND CONCLUDES THAT:**

A. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the Southern District of New York*, dated January 31, 2012. This is a core proceeding under 28 U.S.C.

§ 157(b)(2). The Debtor has confirmed its consent to the entry of a final order or judgment by the Court if it is determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution. Venue in this district is proper under 28 U.S.C. §§ 1408 and 1409;

B. The Court has authority pursuant to 11 U.S.C. § 362(d) to order the limited modification to the automatic stay sought by the Debtor, its codefendants and the Plaintiff;

C. Sufficient cause exists to modify the automatic stay to allow the parties and the Appellate Court to complete the appeals/cross-appeal, including the scheduling of oral argument and issuing a decision on the appeals/cross-appeal; and

D. Due and proper notice of the Motion has been given, and no other or further notice is necessary or required.

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The automatic stay is modified with respect to the State Court Action for the exclusive purpose of permitting the completion of the appeals/cross-appeal, including the scheduling of oral argument and the issuing of a decision and judgment by the Appellate Court with respect to the appeals/cross-appeal, and for no other purposes.
3. Except as expressly provided in this Order, the automatic stay remains in effect with respect the State Court Action. To the extent the Appellate Court's resolution of the appeals/cross-appeal does not result in a final judgment with respect to the entirety of the claims against the Debtor in the State Court Action, the automatic stay shall remain in effect to preclude any further proceedings in the State Court Action absent further order of this Court.
4. By agreeing to entry of this Order, (i) the Debtor is not waiving and will not be deemed to have waived any right to assert the automatic stay as a bar to continued prosecution of

the State Court Action after resolution of the appeals/cross-appeal, including in response to any motion to lift or modify the automatic stay made by the Plaintiff, and (ii) the Plaintiff is not waiving and will not be deemed to have waived any right to seek to lift or modify the automatic stay to allow further prosecution of the State Court Action after resolution of the appeals/cross-appeal.

5. Nothing in this Order waives any available claims or defenses, including at law, equity, or otherwise with respect to the State Court Action.

6. Neither this Order nor any negotiations and writings in connection with this Order will in any way be construed as or deemed to be evidence of or an admission on behalf of any party regarding any claim or right that such party may have against the other party.

7. This Order shall be promptly filed in the clerk's office and entered into the record.

8. The Debtor is authorized to take all actions necessary or appropriate to carry out this Order.

*[Remainder of Page Intentionally Blank]*

9. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

***STIPULATED AND AGREED TO BY:***

JONES DAY  
By: /s/ Corinne Ball  
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Marianist Provincialate (s/h/a Chaminade  
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Donald Scarola; The Diocese of Rockville  
Centre (s/h/a Holy Trinity Diocesan High  
School and The Diocese of Rockville Centre)  
and Megan McNeely*

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*Counsel for Plaintiff*

**SO ORDERED:**

New York, New York  
Dated: March 1, 2021

/S/ Shelley C. Chapman  
THE HONORABLE SHELLEY C. CHAPMAN  
UNITED STATES BANKRUPTCY JUDGE