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*Counsel to the Official Committee
 of Tort Claimant Creditors*

**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEW JERSEY**

Chapter 11

In re:	Case No.: 20-21257 (JNP)
THE DIOCESE OF CAMDEN, NEW JERSEY,	Honorable Jerrold N. Poslusny, Jr.
Debtors.	Hearing Date: March 24, 2021 at 10:00 a.m. Objection Deadline: March 17, 2021 @ 4:00 p.m.

**NOTICE OF MOTION OF THE OFFICIAL COMMITTEE OF TORT
 CLAIMANT CREDITORS FOR AN ORDER COMPELLING THE DEBTOR
TO COMPLY WITH RULE 2004 SUBPOENA**

PLEASE TAKE NOTICE that on March 24, 2021 at 10:00 a.m., or as soon thereafter as counsel can be heard, the Official Committee of Tort Claimant Creditors (the “Committee”) of the Diocese of Camden, New Jersey (the “Debtor”), by and through its counsel, Lowenstein Sandler LLP, shall move (the “Motion”) before the Honorable Jerrold N. Poslusny Jr., United States Bankruptcy Judge, at the United States Bankruptcy Court for the District of New Jersey, 400 Cooper Street, Court Room 4C, Camden, New Jersey, for the entry of an order pursuant to Federal Rule of Bankruptcy Procedure (“Rule”) 2004(c) and District of New Jersey Local Bankruptcy Rule (“Local Rule”) 2004-1(e), (i) compelling the Debtor to immediately furnish the requested

documents set forth in the subpoena previously served upon it by the Committee pursuant to Rule 2004 and Local Rule 2004-1; (ii) compelling the Debtor to appear for the taking of a Rule 2004 examination; and (iii) granting such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in support of the Committee's Motion, the undersigned shall rely upon the memorandum of law and certification of Michael A. Kaplan, Esq. submitted herewith pursuant to D.N.J. LBR 9013-1(a).

PLEASE TAKE FURTHER NOTICE that opposition, if any, to the relief requested in the Motion shall be filed and served in accordance with D.N.J. LBR 9013-2(a)(2) seven days before the hearing date.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served, this motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-3 and the Court may grant the relief requested in the Motion without further notice or hearing.

Dated: February 22, 2021 Respectfully submitted,

LOWENSTEIN SANDLER LLP

/s/ Michael A. Kaplan

Jeffrey D. Prol, Esq.

Brent Weisenberg, Esq.

Michael A. Kaplan, Esq.

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*Counsel to the Official Committee
of Tort Claimant Creditors*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Chapter 11

In re:

Case No.: 20-21257 (JNP) Honorable

THE DIOCESE OF CAMDEN, NEW

Jerrold N. Poslusny, Jr.

JERSEY, Debtors.

**CERTIFICATION OF MICHAEL A. KAPLAN, ESQ. IN SUPPORT OF THE MOTION
OF THE OFFICIAL COMMITTEE OF TORT CLAIMANT CREDITORS FOR AN
ORDER COMPELLING THE DEBTOR TO COMPLY WITH RULE 2004 SUBPOENA**

I, Michael A. Kaplan, being of full age, certify as follows:

1. I am a partner at the firm of Lowenstein Sandler LLP, counsel for the Official Committee of Tort Claimant Creditors (the "Committee"), of the Diocese of Camden, New Jersey (the "Debtor" or the "Diocese"). Based on my personal knowledge and review of pertinent documentation, I submit this certification in support of the Committee's Motion for an Order Compelling the Debtor to Comply with a Rule 2004 Subpoena (the "Motion").

2. Immediately after its counsel was retained, the Committee began its investigation into the assets of the Estate. In an attempt to work cooperatively with the Debtor, on October 30,

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Certification of Michael Kaplan in Support of Motion to Compel Page 2 of 4

2020, the Committee sent informal document requests to the Debtor, a true and correct copy of which is attached hereto as **Exhibit A**.

3. Attached hereto as **Exhibit B** is a true and correct copy of the November 16, 2020 e-mail from the Committee requesting the Debtor to provide a copy of its quinquennial report ("Quinquennial Report") from 2019.

4. The Debtor provided the Committee with three heavily-redacted pages from the 2019 Quinquennial Report; however, a key financial figure is denoted by an asterisk and the lines directly below that figure as well as the footer are redacted. The Committee immediately raised this issue with the Debtor and asked for the redacted information, which the Debtor has not provided to date.

5. In response to the informal requests, the Debtor made eight productions to the Committee consisting of 608 documents. The last production the Committee received from the Debtor was made on December 23, 2020.

6. The documents provided fell into the following categories: corporate formation documents and certificates of incorporation; Parish trust agreements; documents regarding consolidation and mergers of Parishes; IVCP Protocols; minutes and resolutions of the board of trustees of the Debtor; real estate deeds; litigation documents; real estate transaction records; settlement agreements and releases; insurance coverage letters; revolving fund statements of Other Catholic Entities; Investment Committee minutes; and documents regarding the assets of Diocese of Camden Trusts, Inc.

7. The documents produced by the Debtor were responsive to only twenty-six of the Committee's fifty-five total informal requests. The Debtor claimed to have no responsive

documents for seven of the Committee's fifty-five total requests. The Debtor did not respond to twenty-two of the Committee's fifty-five total informal requests.

8. The parties agreed to mediate the bar date motion and other issues with Chief Judge Michael B. Kaplan. The mediation spanned from approximately November 25, 2020 to January 5, 2021. During the mediation, the parties proceeded on an informal basis regarding discovery, following the parameters Judge Kaplan established via a November 27, 2020 email, which included a standstill period during which motion practice (including discovery motions) were not permitted.

9. Unfortunately, the mediation was unsuccessful. Given the breakdown of the mediation and the lack of progress made on discovery, on January 6, 2021, the Committee sent a letter to counsel for the Parishes, copying all parties, informing them that the Committee was withdrawing its informal requests and that it would be serving formal discovery on the Catholic entities. A true and correct copy of that letter is attached hereto as **Exhibit C**.

10. Attached hereto as **Exhibit D** is a true and correct copy of the subpoena I issued to the Debtor pursuant to Rule 2004 and D.N.J. LBR 2004-1 on January 8, 2021 (the "Subpoena").

11. The Debtor accepted email service of the Subpoena on January 11, 2021. 12. The Committee also subpoenaed the Parishes and Other Catholic Entities on January 11, 2021 and January 12, 2021.

13. On January 28, 2021, counsel for the Committee, Debtor, Parishes, and other Catholic Entities associated with the Diocese (together with the Parishes, the "Other Catholic Entities") held a meet and confer regarding the documents requested in the Subpoena issued to

14. During that meeting, the Debtor and Other Catholic Entities represented that the documents requested from the Other Catholic Entities are housed with the Debtor and that the Debtor would handle producing any documents on behalf of the Other Catholic Entities. The Committee agreed with this approach, reserving its right to request any documents solely in the possession of the Other Catholic Entities.

15. The parties also discussed during the meet and confer that providing the Committee with a copy of the Debtor's accounting system would greatly expedite the discovery process. The Committee offered to table its other document requests pending receipt of the accounting system so it could narrow the other document requests after reviewing and analyzing the accounting data.

16. Additionally, since the Committee also served a Rule 2004 subpoena on PNC Bank, NA ("PNC") which PNC agreed to voluntarily comply with, the Committee agreed it would attempt to obtain documents such as bank statements from PNC to avoid duplication of efforts.

17. Attached hereto as **Exhibit E** is a true and correct copy of the February 16, 2021 letter the Committee sent to the Debtor to amicably resolve the pending Rule 2004 document requests.

18. As of the filing of this Motion, the Committee has not received a response to its letter from the Debtor, despite one being promised by Friday, February 19, 2021. 19. To date, Debtor has not produced all of the documents requested in the Subpoena. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Date: February 22, 2021

/s/ Michael A. Kaplan
Michael A. Kaplan, Esq.

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EXHIBIT A

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**Lowenstein
Sandler** VIA EMAIL

Richard D. Trenk
Robert S. Roglieri
McManimon, Scotland &
Baumann, LLC 75 Livingston
Avenue, Second Floor Roseland,
New Jersey 07068

Michael A. Kaplan Counsel

One Lowenstein Drive
Roseland, New Jersey 07068

T: 973.597.2302
F: 973.597.2303
E: mkaplan@lowenstein.com

October 30, 2020

Re: *In re The Diocese of Camden, New Jersey, Case No. 20-21257 (JNP)*
The Committee's First Set of Document Requests to the Debtor

Dear Mr. Trenk and Mr. Roglieri:

As you know, this firm represents the Official Committee of Tort Claimant Creditors (the "Committee") of the above-referenced debtor (the "Debtor" or "Diocese"). In lieu of more

burdensome court-ordered discovery and consistent with your offer to work cooperatively, the Committee seeks the Debtor's voluntary compliance in producing documents responsive to the enclosed *First Set of Requests for Production Directed to the Debtor* (the "Requests").

We would appreciate receiving rolling productions and ask that you prioritize the Requests in sections II through IV as you make productions. Unless otherwise indicated, all Requests are for the period between October 1, 2010 and October 1, 2020 (the "Petition Date"). These are our initial information requests and we expect to request further information as our review continues.

Once you have had a chance to review the Requests, we can confer on a timetable for production, and can discuss any questions or clarifications regarding the scope of the production requested.

/s/ Michael A. Kaplan
Michael A. Kaplan, Esq.

Enclosures

cc: Jeffrey D. Prol
Brent Weisenberg
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FIRST SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS DIRECTED TO THE DEBTOR

I. Corporate Structure and Background

1. All organizational charts setting forth the ownership and/or relationship between the Debtor entity and the Catholic parishes, schools, and other Catholic entities that operate within the territory of the Diocese ("Other Catholic Entities").

2. Formation documents, including articles of incorporation and bylaws, for the Debtor and Other Catholic Entities.

3. All documents concerning any changes made to the corporate structure of the Debtor and the Other Catholic Entities in the last ten years.

4. All minutes for meetings of the Debtor's board of trustees.

5. All resolutions passed by the Debtor's board of trustees.

6. All minutes for meetings of the Debtor's Finance Council.

7. All resolutions passed by the Debtor's Finance Council.

II. Trust-related Documents

8. Fully executed copies of all trust agreements and declarations of trust and all amendments thereto (collectively, "Trust Agreements") naming as a party the Diocese and/or any parish within the Diocese (each a "Parish Trust").

9. All drafts of the Trust Agreements and non-privileged correspondence regarding the drafts.

10. For each Parish Trust, documents sufficient to show the legal counsel involved in the preparation of the Trust Agreement, and whether each party to such trust was represented by separate counsel.

11. For each Parish Trust, provide complete financial records from inception through the petition date showing (i) the initial funding of each trust, (ii) the source of the initial funding, (iii) all additions to the trust fund, (iv) all distributions and disbursements, (v) all fees, taxes, and administration expenses. For each distribution and/or disbursement of trust funds, whether principal or income, identify (i) the date of each distribution and/or disbursement, (ii) the recipient, (iii) the amount, and (iv) the individual who authorized the distribution and/or disbursement.

12. For each Parish Trust, documents sufficient to identify each and every instance where the parish compelled a distribution from such trust. Provide all documentation regarding the exercise of such right to compel a distribution.

13. Copies of all financial disclosures, financial records, account statements, and/or accountings, either formal or informal (collectively, the “Financial Disclosures”) made by the Debtor or any other trustee or party to each parish, and the date of each Financial Disclosure.

14. If the assets held in any Parish Trust were commingled at any time with any other trust or the Debtor, documents sufficient to identify all accounts that held funds belonging to the Parish Trust and provide all documents associated with those accounts.

15. Documents sufficient to describe how trust assets for each Parish Trust were invested and how investment decisions were made.

16. Documents sufficient to separately identify all sums paid to or for the benefit of the Debtor from each Parish Trust for any reason and identify (i) the date of each payment, (ii) the amount, (iii) the individual who authorized the payment, (iv) the recipient, and (v) a brief narrative description of why the payment was made.

17. Documents sufficient to identify all persons or entities that assisted the Debtor with fulfilling its legal obligations stemming from each Parish Trust.

III. DOC Trusts, Inc.

18. Formation documents, including articles of incorporation and bylaws, for the Diocese of Camden Trusts, Inc. (“DOC Trusts”).

19. All meeting minutes for the Board of Trustees of DOC Trusts and the Diocese’s Investment Committee relating to DOC Trusts.

20. All documents regarding the assets held by DOC Trusts.

21. All documents regarding DOC Trusts' pledge of collateral as security for the Diocese's loan agreement with PNC Bank dated December 9, 2011 ("PNC Loan").

22. All documents, including bank statements, regarding the DOC Trusts bank accounts (the "Pledged Accounts") that were pledged as security for the PNC Loan.

23. Documents sufficient to show the current value of the Pledged Accounts.

24. All documents regarding DOC Trusts' agreement to unconditionally guarantee and become the surety for amounts due under the PNC Loan.

IV. Relationship Between Debtor and Parishes

25. Documents sufficient to show the ownership of all real property within the Diocese, including property owned by the Other Catholic Entities.

26. All documents concerning any real property transferred by the Debtor at any time in the five years preceding the Petition Date.

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27. Copies of all mortgages, deeds of trust, assignments of leases or rents, collateral assignments, other assignments, and any other agreements (including any schedules, annexes or exhibits thereto) concerning real property that are intended to provide, or evidence an agreement to provide, security or collateral for any obligation.

28. Copies of all lease agreements, including any amendments, between the Debtor and the Other Catholic Entities.

29. Documents sufficient to show all payments made pursuant to lease agreements between the Debtor and the Other Catholic Entities.

30. Documents sufficient to identify all parcel(s) of real property, the size of each parcel (both square footage and acreage), zoning description, and any excess or surplus land/ property.

31. All written agreements between the Debtor and the Other Catholic Entities.

32. All documents regarding the Debtor's access to the bank accounts or credit cards of the Other Catholic Entities.

33. Documents sufficient to show the Debtor's involvement in the day-to-operations of the Other Catholic Entities.

34. Documents regarding any other financial transfers between the Debtor and the Other Catholic Entities.

35. Documents regarding services, including operational support, provided by the Debtor to the Other Catholic Entities.

V. Compensation, Expenses, and other Payments

36. Documents evidencing salary, bonuses, incentive compensation, board compensation, and any other benefits, expense reimbursements, car allowances, 401(k) or similar plan contributions, retirement fund contributions, life insurance, loans, consulting fees, and/ or any other consideration paid to any insiders, related parties, officers, and/or trustees of the Debtor.

37. Copies of all transactional records and related supporting documents concerning all travel expenses in excess of \$10,000 submitted by, reimbursed to and/or paid on behalf of any insiders, related parties, officers, and/or trustees of the Debtor.

38. Copies of all transactional records and related supporting documentation concerning all other expenses in excess of \$10,000 incurred by the Debtor on behalf of any insiders, related parties, officers, and/or trustees of the Debtor.

39. A complete list of related parties, related entities, or third parties who have been in possession or have had access to any corporate credit card or charge account of the Debtor.

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40. Documents concerning any other payments made to any insiders, related parties, officers, and/or trustees of the Debtor.

IV. Claims and Victim Compensation

41. All documents concerning the Debtor's participation in the New Jersey Independent Victim Compensation Program.

42. All documents concerning the 99 settlements paid by the Diocese from 1990 to 2019 to abuse victims.

43. All documents concerning therapeutic assistance to abuse victims provided or paid for by the Debtor.

44. All documents concerning any sexual abuse claims, formal or informal, asserted against the Debtor.

V. Financial Information

45. Monthly (unaudited) and annual (audited and/or unaudited) financial statements (including balance sheet, income statement, and statement of cash flows), including the accompanying notes, disclosures, and any internal control reports issued by the Debtor's outside auditors relating to any internal control deficiencies and/or weaknesses.

46. Copies of the Debtor's cash receipts and disbursements journals in original and native format.

47. All monthly budgets for the past three years along with budget versus actual variance

reports.

48. All historical activity schedules for all credit facilities for the past three years detailing any draws, paydowns, interest accruals, or similar transactions.

49. All business plans and associated financial projections prepared for or by the Debtor.

50. All solvency analyses, appraisals, and/or valuation reports that were prepared by or for the Debtor.

51. All documents concerning monthly parish assessments identified in paragraph 12 of the *Declaration of Laura J. Montgomery regarding the Diocese's Assets and Operations and in support of the Chapter 11 Petition and First Day Pleadings* [Doc. No. 4].

52. All documents concerning the use of funds generated from the contributions and bequests from the faithful and the diocesan Trust and HealthCare Foundation.

53. All documents concerning the use of funds generated from realized investment gains.

54. All documents concerning the use of funds generated from the House of Charity – Bishop's Annual Appeal campaign.

55. All documents concerning the use of funds generated from the Catholic Strong Campaign.

EXHIBIT B

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From: Kaplan, Michael A. <MKaplan@lowenstein.com>

Sent: Monday, November 16, 2020 6:54 PM

To: 'Robert S. Roglieri'; 'Richard D. Trenk'

Cc: Weisenberg, Brent; Prol, Jeffrey D.

Subject: RE: In re The Diocese of Camden, New Jersey; Case No. 20-21257 (JNP) - Document Production

Richard and Robert,

Thank you for the productions made to date and your willingness to work with us in working through the remainder of the document production. In the interim, we would like to request a copy of the Diocese's quinquennial report from 2019, which was referenced during the 341 meeting on Friday.

Thank you,

Michael

Michael A. Kaplan
Counsel
Lowenstein Sandler LLP

T: 973.597.2302

M: 215.740.5090

F: 973.597.2303



From: Robert S. Roglieri <RRoglieri@MSBNJ.COM>

Sent: Sunday, November 15, 2020 7:48 PM

To: Weisenberg, Brent <BWeisenberg@lowenstein.com>; Prol, Jeffrey D. <jprol@lowenstein.com>; Kaplan, Michael A. <MKaplan@lowenstein.com>

Cc: Richard D. Trenk <RTrenk@MSBNJ.COM>

Subject: In re The Diocese of Camden, New Jersey; Case No. 20-21257 (JNP) - Document Production

Jeff and Brent,

Please see the attached correspondence. As referenced in the letter, below is the DropBox link to the documents.

<https://www.dropbox.com/sh/7vyxxmnzy8vxhfj/AACoSbsfgHdzvMMsVQ6ie2Xka?dl=0>

If you have any trouble accessing the documents, please let me know.

Best regards,
Robert

Robert S. Roglieri, Associate

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EXHIBIT C

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January 6, 2021

Re: *In re The Diocese of Camden, New Jersey, Case No. 20-21257 (JNP)*

***The Diocese of Camden, New Jersey v. Insurance Co. of North America, et al.,
Adv. Pro. No. 20-01573 (JNP)***

Dear Mr. Abramowitz:

As you know, this firm represents the Official Committee of Tort Claimant Creditors (the “Committee”) of the above-referenced debtor. On December 21 and 23, 2020, the Committee served informal document requests on the parishes, mission, and schools that you represent (together, the “Catholic Entities”). We proceeded on an informal basis, and agreed to your request to work with Chief Judge Kaplan to resolve any disagreement on the scope of discovery, because: (i) we were committed to abiding by the parameters of mediation that His Honor established in his November 27, 2020 e-mail, and (ii) the trajectory and timing of the case did not mandate a quicker resolution of any disputes and provision of the information the Committee needs in the course of its work. Both of those factors changed on December 31, 2020, when the Debtor exercised its right to file a Chapter 11 Plan of Reorganization and Disclosure Statement.

Pointing fingers or arguing about who is to blame for the breakdown in mediation is unproductive; we appreciate the efforts of all parties and of Chief Judge Kaplan. That said, as of yesterday, the mediation relating to, *inter alia*, the Committee’s investigation of the assets of, and legal relationship between, the Debtor and Catholic Entities, as well as the insurance available to the Debtor and Catholic Entities, has been terminated.

To that end, please allow this letter to serve as notice that the informal demands are being withdrawn. In lieu of those voluntary requests, we will be serving formal discovery on the Catholic Entities in the bankruptcy and adversary proceedings. To the extent a dispute arises regarding those demands, we will advocate to have the Court resolve such a dispute, on the record, in an expeditious manner. We will, of course, be willing to work with you on the timing for discovery, subject only to the confines of the timetable established by the Debtor.

To avoid the duplication of efforts, please direct all inquiries/responses regarding discovery to me, except that any insurance-related inquires/responses can be directed to my colleague Eric Jesse, Esq. (ejesse@lowenstein.com).

Very truly yours,

/s/ Michael A. Kaplan

Michael A. Kaplan, Esq.

cc: All Counsel of Record (via email)

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EXHIBIT D

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(Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

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UNITED STATES BANKRUPTCY COURT

for the District of New Jersey

Case No. 20-21257 (JNP) Chapter 11

In re The Diocese of Camden, New Jersey

Debtor

SUBPOENA FOR RULE 2004 EXAMINATION

To: The Diocese of Camden, New Jersey

(Name of person to whom the subpoena is directed)

Testimony: **YOU ARE COMMANDED** to appear at the time, date, and place set forth below to testify at an examination

X

under Rule 2004, Federal Rules of Bankruptcy Procedure and D.N.J. Local Bankruptcy Rule 2004-1.

PLACE	DATE AND TIME
Lowenstein Sandler LLP One Lowenstein Drive, Roseland, NJ 07068 (Deposition to take place virtually)	January 29, 2021 at 10:00 A.M.

The examination will be recorded by this method: Videographic and/or stenographic means

Production: You, or your representatives, must also bring with you to the examination the following documents,

X

electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See attached Schedule A.

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a

subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: January 8, 2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

/s/ Michael A. Kaplan
Attorney's signature

The name, address, email address, and telephone number of the attorney representing The Official Committee of Tort Claimant Creditors, who issues or requests this subpoena, are: Michael A. Kaplan, Esq., One Lowenstein Drive, Roseland, NJ 07068, Telephone: (973) 597-2500, mkaplan@lowenstein.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

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(Form 2540 – Subpoena for Rule 2004 Examination) (Page 2)

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*:

on *(date)* .

I served the subpoena by delivering a copy to the named person as follows:

on *(date)* ; or

I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$.

My fees are \$ for travel and \$ for services, for a total of \$.

I declare under penalty of perjury that this information is true and correct.

Date:

Server's signature

Printed name and title

Server's address

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Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows: (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected. **(d)**

Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that: (i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) **Contempt.** The court for the district where compliance is required – and also, after a motion is transferred, the issuing court – may hold in contempt

a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)
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SCHEDULE A

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DEFINITIONS

As used herein, the following terms shall have the meanings indicated below: 1.

“Communication” means any writing or any oral conversation of any kind or character, including, by way of example and without limitation, e-mails, instant messages, text messages, voicemail or messages, personal conversations, telephone conversations, letters, meetings, memoranda, telegraphic and telex communications or transmittals of Documents, and all Documents concerning such writing or such oral conversation.

2. “Concerning” means consisting of, reflecting, referring to, relating to, regarding, involving, evidencing, constituting, or having any legal, logical, evidential, or factual connection with (whether to support or to rebut) the subject matter designated in any paragraph of these requests. A request for Documents “concerning” a specified subject matter always shall include Communications, notes, and memoranda (whenever prepared) relating to the subject matter of the request.

3. “Debtor” means the above-captioned debtor and debtor-in-possession, including its predecessors or successors, assignees, prior or current parents, partners, subsidiaries, affiliates or controlled companies, and each of its prior or current Officers, Directors, employees, agents, advisors, and attorneys.

4. “Diocese” means the Diocese of Camden, New Jersey, Inc., a religious organization with a principal place of business located at 631 Market Street, Camden, New Jersey 08102 and

all owners, shareholders, predecessor entities, successor entities, parent entities, predecessor and/or successor entities of parent entities, direct or indirect subsidiaries, predecessor and/or successor entities of direct or indirect subsidiaries, affiliated entities, predecessor and/or successor entities of affiliated entities, members, partners (general and

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limited), directors, franchisees, managers, employees, agents, brokers, marketers, contractors, representatives, and all other entities or individuals acting, or purporting to act, on its behalf. 5.

“DOC Trusts” means the Diocese of Camden Trusts, Inc.

6. “Document(s)” means, without limitation, the original and all copies, prior drafts, and translations of information in any written, typed, printed, recorded or graphic form, however produced or reproduced, of any type or description, regardless of origin or location, including without limitation all Electronically Stored Information, correspondence, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes, lists, calendar and diary entries, letters (sent or received), telegrams, telexes, messages (including, but not limited to, reports of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, papers, files, minutes, other Communications (including, but not limited to, inter- and intra-office Communications), questionnaires, contracts, memoranda or agreements, assignments, licenses, ledgers, books of account, orders, invoices, statements, bills, checks, vouchers, notebooks, receipts, acknowledgments, microfilm, photographs, motion pictures, video tapes, photographic negatives, phonograph records, tape recordings, wire recordings, voice mail recordings or messages, other mechanical records, transcripts or logs of any such recordings, and all other data compilations from which information can be obtained.

The term “Document(s)” is intended to be at least as broad in meaning and scope as the usage of this term in or pursuant to the Federal Rules of Civil Procedure.

7. “Electronically Stored Information” shall include, without limitation, the following: information that is generated, received, processed, recorded, or accessed by computers and other electronic devices, including but not limited to—

a. E-mail;

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b. Internal or external web sites;

c. Output resulting from the use of any software program; and

d. All information stored on cache memories, magnetic disks (such as computer hard drives or floppy drives), optical disks (such as DVDs or CDs), magnetic tapes, microfiche, or on any other media for digital data storage or transmittal (e.g., a smartphone such as an iPhone®, a tablet such as an iPad®, or a personal digital assistant such as a Blackberry®).

8. “Montgomery First Day Declaration” means the *Declaration of Laura J. Montgomery Regarding the Diocese’s Assets and Operations and in Support of the Chapter 11 Petition and First Day Pleadings* filed on October 1, 2020 [ECF 4].

9. “Other Catholic Entities” means all Parishes, schools, missions, and other Catholic entities that operate within the territory of the Diocese.

10. “Parish Trust” means the trust memorialized in each Declaration of Trust and Trust Agreement between the Diocese and each of the Parishes.

11. “Parishes” means all sixty-two parishes in the six counties comprising the Diocese, and all predecessor entities, successor entities, parent entities, and all other entities or individuals acting, or purporting to act, on their behalf.

12. “Petition Date” means October 1, 2020.

13. “Pledged Accounts” means the DOC Trusts bank accounts that were pledged as security for the PNC Loan.

14. “PNC Loan” means the loan made pursuant to the Diocese’s loan agreement with PNC Bank dated December 9, 2011.

15. “You” or “Your” means the Diocese of Camden, New Jersey.

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GENERAL INSTRUCTIONS

1. Unless otherwise indicated, the time period applicable to these requests is from October 1, 2016 through October 1, 2020, inclusive of both dates, and includes any Documents created on an earlier date, but in use, modified, accessed, opened, uploaded or downloaded during the relevant time period.

2. The obligation to produce Documents responsive to these requests shall be continuing in nature, and You are required to promptly produce any Document requested herein that You locate or obtain after responding to these requests, up to the date on which these chapter 11 cases are closed by an order of the Court.

3. The use of the singular form of any word includes the plural and vice versa, except as the context may otherwise require. The masculine includes the feminine and neutral genders, and vice versa. The use of a verb in any tense includes the use of that verb in all other tenses.

4. These requests call for the production of responsive Documents in Your possession, custody, or control, regardless of whether the Documents were prepared by You and/or are kept or maintained by You at Your place of business or in any other location, and which includes Documents in the possession, custody or control of Your employees, representatives, agents, independent contractors, consultants, attorneys, accountants, auditors, or any other persons

acting or purporting to act on Your behalf. The requests specifically include the desk and personal files, including electronic files, of all such persons.

5. If Your response to a particular request is a statement that You lack the ability to comply with that request, You must specify whether the inability to comply is because the

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particular item or category of information never existed, has been destroyed, has been lost, misplaced, or stolen, or has never been, or is no longer, in Your possession, custody, or control.

6. In the event that any Document referred to or identified has been destroyed or is otherwise no longer in Your possession, that Document is to be identified by (a) the author; (b) the addressee, including persons to whom carbon or blind copies were addressed; (c) the date; (d) the subject matter; (e) the number of pages, attachments, or appendices; (f) all persons to whom the Document was distributed, shown, or explained; (g) a description of the circumstances under which the Document was destroyed or otherwise disposed of, including the reason for its destruction or disposal; (h) the date of destruction or other disposition; (i) the person who destroyed or disposed of the Document; and (j) the person who directed or authorized such destruction or disposition.

7. Each requested Document should be produced in its entirety, without abbreviation or redaction, and shall include all attachments, appendices, exhibits, lists, schedules, or other Documents at any time affixed thereto. Documents attached to each other shall not be separated. If a Document responsive to any request cannot be produced in full, it shall be produced to the extent possible with an explanation stating why production of the remainder is not possible.

8. Produce all responsive Documents as they are kept in the usual course of business, or

organize and label them to correspond with the request to which they are responsive. 9.

Electronically Stored Information should be produced in its native format with all metadata preserved and intact.

10. If You withhold any Document requested herein on the basis of any assertion of privilege or other immunity from discovery, the response hereto shall include a separate statement for each Document withheld reflecting the following information: (a) the nature of the

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privilege or other legal ground that is being claimed; (b) the type of Document; (c) the general subject matter of the Document; (d) the date of the Document; and (e) the names and addresses of each person who authored, received, viewed, and has or has had possession, custody, or control of the Document.

11. If You object to any request, state with specificity the grounds for such objection and the request(s) to which each objection applies. Any request to which an objection is made should be responded to insofar as it is not deemed objectionable.

12. If You believe that any request, definition, or instruction is ambiguous, in whole or in part, You nonetheless must respond and (a) set forth the matter deemed ambiguous and (b) describe the manner in which You construed the request in order to frame Your response.

13. If there are no Documents responsive to a particular request, please provide a written response so stating.

14. If You have already produced all Documents responsive to a particular request, please provide a written response so stating.

DOCUMENT REQUESTS

1. The Diocese's quinquennial reports from the last ten years in their complete, unredacted form.
2. To the extent not previously provided, all additional minutes for meetings of the Debtor's board of trustees.
3. To the extent not previously provided, all additional resolutions passed by the Debtor's board of trustees.
4. To the extent not previously provided, all additional minutes for meetings of the Debtor's Finance Council.
5. To the extent not previously provided, all additional resolutions passed by the Debtor's Finance Council.
6. For each Parish Trust, financial records from inception of the trust through the Petition Date concerning (i) the initial funding of each trust, (ii) the source of the initial funding, (iii) all

additions to the trust fund, (iv) all distributions and disbursements, and (v) all fees, taxes, and administration expenses.

7. For each Parish Trust, all Documents concerning any instance where a Parish compelled a distribution from the Parish Trust in the last ten years.

8. To the extent not previously provided, all additional Documents concerning any requests by a Parish for financial and/or accounting records for the Parish Trust in the last ten years.

9. To the extent not previously provided, for each Parish Trust, all additional financial and/or accounting records provided by the Debtor to the Parishes in the last ten years.

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10. If the assets held in any Parish Trust were commingled at any time with any other trust or the Debtor's assets in the last ten years, documents sufficient to identify all accounts that held funds belonging to the Parish Trust.

11. Documents sufficient to show how trust assets for each Parish Trust were invested and how investment decisions were made.

12. Documents sufficient to separately identify all sums paid to or for the benefit of the Debtor from each Parish Trust in the last ten years for any reason, including (i) the date of each payment, (ii) the amount, (iii) the individual who authorized the payment, (iv) the recipient, and (v) a description of why the payment was made.

13. Documents sufficient to identify all persons or entities that assisted the Debtor with fulfilling its legal obligations stemming from each Parish Trust.

14. To the extent not previously provided, all additional meeting minutes for the Board of

Trustees of DOC Trusts and the Diocese's Investment Committee relating to DOC Trusts.

15. To the extent not previously provided, all additional Documents sufficient to show the assets held by DOC Trusts.

16. To the extent not previously provided, all additional Documents concerning DOC Trusts' pledge of collateral as security for the PNC Loan.

17. To the extent not previously provided, all additional Documents, including bank statements, concerning the Pledged Accounts.

18. To the extent not previously provided, all additional Documents concerning DOC Trusts' agreement to unconditionally guarantee and become the surety for amounts due under the PNC Loan.

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19. To the extent not previously provided, all additional Documents sufficient to show the ownership of all real property within the Diocese, including property owned by the Other Catholic Entities.

20. To the extent not previously provided, all additional Documents concerning any real property transferred by the Debtor at any time in the five years preceding the Petition Date. 21. Documents sufficient to show all other transfers of property from the Debtor to any Other Catholic Entity in excess of \$10,000.

22. Documents sufficient to show all other transfers of property from any Other Catholic Entity to the Debtor in excess of \$10,000.

23. Documents sufficient to show all other financial transfers or transfers of value between the Debtor and the Other Catholic Entities in excess of \$10,000, including documents regarding the \$30,075,000 transferred by the Debtor to the Diocese of Camden Healthcare

24. All written agreements between the Debtor and the Other Catholic Entities. 25.

Documents sufficient to show all services, including operational support, provided by the Debtor to the Other Catholic Entities.

26. Copy of the electronic accounting system(s), cash management systems, and donation tracking systems in native format(s) (e.g., electronic data files for Financial Edge, QuickBooks, Navision, Dynamics GP / Great Plains) for the Debtor and the Other Catholic Entities.

27. To the extent not previously provided, all additional monthly and annual financial statements for the Debtor (including balance sheet, income statement, and statement of cash flows), including the accompanying notes and disclosures, for the past ten years.

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28. All monthly (or other periodic) closing packages or files, including adjusting journal entries, reconciliations, bank statements, fixed asset changes, amortization schedules, and depreciation schedules, for the past ten years.

29. All reports prepared for the Debtor by an auditor or accounting firm, including related financial statements, notes, and any supplemental schedules, for the past ten years. 30. All Documents concerning the audit reports, including but not limited to, prepared-by-client (PBC) documents, management letters, letters of representations, and documents concerning determination of compliance with financial covenants related to any borrowings, for the past ten years.

31. All Communications from any of the Other Catholic Entities to the Debtor requesting an audit report concerning the Debtor, and all Communications from the Debtor providing a copy of an audit report concerning the Debtor to any of the Other Catholic Entities.

32. All Communications from the Debtor providing an audit report concerning the Debtor to a third party on behalf of any of the Other Catholic Entities.

33. Internal accounting manuals issued or utilized by the Debtor concerning the Other Catholic Entities.

34. All of the Debtor's contracts with investment advisors, policies, and instructional or procedure books outlining investment procedures concerning the Other Catholic Entities, for the past ten years.

35. Documents sufficient to show all bank, money market, investment, or other accounts maintained by the Debtor over the past ten years (whether currently open or closed), including institution, account name, account type, account description, account number, general ledger account number, open date, close date, and current balance.

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36. Account statements and signature cards for the Debtor's bank and investment accounts.

37. Flow charts, written descriptions, and periodic reports concerning the flow of funds for all bank, money market, investment, or other accounts maintained by the Debtor and the Other Catholic Entities.

38. For all pooled investment accounts, deposit and loan funds, and the fund known as the Diocese's "Revolving Fund" (including but not limited to the investment accounts identified in paragraph 41 of the Montgomery First Day Declaration): (i) Documents concerning sources of initial funding, (ii) Documents concerning sources of subsequent funding, (iii) investment or brokerage account statements, (iv) an identification/listing of current and historical subaccounts or subfunds, (v) periodic reports, summaries, and schedules provided to participants, (vi)

subaccount or subfund activity, reports, and statements provided to individual participants, and (vii) Documents showing historical transactions, including transaction Documents for deposits, withdrawals, interest, and dividends.

39. Underlying transaction data in electronic format (e.g. Excel, Access, SQL) used to generate the “Revolving Fund Statements” (Bates numbers DOCNJ_007099 – DOCNJ_007402).

40. All Documents evidencing loan obligations or guarantees by the Debtor on behalf of any of the Other Catholic Entities.

41. All historical activity schedules for all of the Debtor’s credit facilities detailing any draws, paydowns, interest accruals, or similar transactions.

42. All business plans and associated financial projections prepared for or by the Debtor.

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43. Accounts receivable aging schedules, including identification of specific Other Catholic Entities and detail/support for related offsetting allowances.

44. Loans receivable aging schedules, including identification of specific Other Catholic Entities and detail/support for related offsetting allowances.

45. Asset listings or schedules regarding unrestricted (including designated and donor advised funds), temporarily restricted, and permanently restricted assets for the Debtor. 46. Documents sufficient to show any donor restrictions applicable to any funds in the Debtor’s possession or control in excess of \$10,000.

47. Documents sufficient to identify funds set aside for the care, maintenance, and/or operations of cemeteries within the Diocese.

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EXHIBIT E

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February 16, 2021

VIA EMAIL

Richard D. Trenk
McManimon, Scotland &
Baumann, LLC 75 Livingston
Avenue, Second Floor Roseland,
New Jersey 07068

Re: *In re The Diocese of Camden, New Jersey, Case No. 20-21257 (JNP)*

Dear Richard:

As you know, this firm represents the Official Committee of Tort Claimant Creditors (the "Committee") in the above-referenced Chapter 11 Case. We write in furtherance of our attempt to amicably resolve the pending Rule 2004 document requests. As we discussed during our meet and confer on January 28, 2021, given that the majority of the requests call for financial information that is likely contained in the Debtor's accounting system, the first logical step is to provide BRG with a copy of the Debtor's accounting system (or otherwise provide BRG with the data in the accounting system). Having this information will enable the Committee to further refine and narrow the other requests in our Rule 2004 subpoenas.

We believe there are two options here, with the first option being vastly preferable, more efficient, and less expensive. The first option is to provide BRG with: (i) a complete SQL backup of the Debtor's Microsoft Dynamics / NAV accounting system ("NAV") in native format, and (ii) a native export from ParishSoft, the accounting system the Debtor is able to access to manage the Parish and other Catholic Entities' finances. We understand that this is straightforward from a technical perspective. It will also be significantly less time-consuming and costly. If necessary, BRG will use a consultant with expertise in NAV to assist in the preliminary analysis of the NAV data. The consultant's fees are \$225/hour. Considering the consultant's low hourly fee rate and expertise, this option allows for the quickest and most cost-effective analysis.

As the Debtor can easily provide BRG with a copy of the NAV system, it seems that the reason that it has not yet been provided is because NAV contains data not only for the Diocese, but also for transactions and activity involving (a) the "Parish Trust," (b) Diocese of Camden Trusts, Inc., ("DOC Trusts") and (c) the Diocese of Camden Healthcare Foundation, Inc. ("Healthcare Foundation"). Please inform us if you intend to withhold access to NAV on the basis that it contains data for these entities. As you know, the Committee has served Rule 2004 subpoenas on the parishes, DOC Trusts, and Healthcare Foundation. It is the Committee's position that these three entities (in addition to the other Catholic Entities associated with the Debtor) are the proper

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Richard D. Trenk February 16, 2021 Page 2

subject of our Rule 2004 investigation, especially as the Debtor's proposed Plan contains wide ranging third-party releases which include releases for these entities. Those three entities represent key issues and potential assets in this matter which the Committee must analyze and investigate. Providing the Committee with a full copy of NAV and ParishSoft will expedite the

Committee's investigation and the discovery process with regard to the Debtor and these entities. Given that we have a protective order in place, any concerns regarding confidentiality can be easily addressed.

The second option—which is considerably more time consuming and costly—is to individually export and provide each of the available tables for NAV 2017 and/or provide individual reports prepared by the Debtor or its financial advisors containing selected data fields. The attached spreadsheet contains a list of approximately 1,100 standard NAV tables. There will be additional tables related to NAV and to the Serenic Navigator add-on. If necessary, we can generate a similar list for the ParishSoft system. The sheer volume is an indicator of the inefficiency of this option. Further, as we do not know the specific structure and relationships of the NAV database tables without being able to access them, we will be unable to see how various data points relate to one another, and our review of the exported tables/data will be significantly hampered.

In addition, upon receipt of the initial data exports, we will be required to perform an extensive review of the data in order to determine the accuracy and completeness of the data exports. This initial process will involve comparing the data to other available sources of information, reconciling where possible to available third-party sources, identifying issues, and following up with the Debtor and its financial advisors regarding concerns and questions. Finally, it is likely that we will need to make further information requests, which will also require an extensive review process in order to determine accuracy and completeness. This option will accordingly be much more time-consuming and costly for both the Debtor and the Committee and place unnecessary burdens on the Debtor's accounting and IT staff.

Please let us know if the first option is acceptable so that we can continue to move forward expeditiously. If we cannot reach a resolution of this issue, we intend to send a letter to the Court on this issue and ask that it be addressed at the status conference on Wednesday, February 17, 2021.

Very truly yours,

/s/ Michael A. Kaplan
Michael A. Kaplan, Esq.

cc: Robert Roglieri
Arthur Abramowitz
Damien Tancredi
Jeffrey D. Prol



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**UNITED STATES BANKRUPTCY
COURT DISTRICT OF NEW JERSEY**
Caption in compliance with D.N.J. LBR 9004-

LOWENSTEIN SANDLER LLP

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*Counsel to the Official Committee
of Tort Claimant Creditors*

Chapter 11

Case No.: 20-21257 (JNP)

Honorable Jerrold N. Poslusny, Jr. Hearing Date:
March 24, 2021 at 10:00 a.m.

In re:

THE DIOCESE OF CAMDEN, NEW
JERSEY, Debtors.

ORDER COMPELLING THE DEBTOR TO COMPLY WITH RULE 2004 SUBPOENA

The relief set forth on the following page, number two (2), is hereby **ORDERED**.

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Proposed Order Page 2 of 2

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Debtor: Diocese of Camden, New Jersey

Case No.: 20-21257 (JNP)

Caption: Order Compelling Debtor to Comply with Rule 2004 Subpoena **THIS MATTER**

having been brought before the Court upon the motion (the "Motion") of the Official Committee of Tort Claimant Creditors for the Diocese of Camden, New Jersey (the "Committee"), by and through its attorneys, Lowenstein Sandler LLP, for entry of an order pursuant to Federal Rule of Bankruptcy Procedure ("Rule") 2004(c) and District of New Jersey Local Bankruptcy Rule 2004-1(e), compelling the Debtor to comply with a subpoena (the "Subpoena") issued to it by the Committee under Rule 2004; and due notice having been provided; and the Court having considered the papers submitted and the arguments presented; and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. The Committee's Motion is hereby granted in its entirety.
2. The Debtor shall furnish all documents requested in the Subpoena and shall produce

same to the Committee's counsel on or before April 9, 2021.

3. The Debtor shall appear for the taking of a Rule 2004 examination on a date to be mutually agreed upon by the parties.