

SQUIRE PATTON BOGGS (US) LLP
Mark D. Sheridan
Jason King
382 Springfield Avenue
Summit, New Jersey 07901
Telephone: (973) 848-5681

O'MELVENY & MYERS LLP
Tancred Schiavoni, Esq.
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 326-2000

*Counsel for Counsel for Century Indemnity
Company, as successor to CCI Insurance
Company, as successor to Insurance Company
of North America*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:

THE DIOCESE OF CAMDEN, NEW
JERSEY,

Debtor.

Chapter 11

Case No. 20-21257 (JNP)

**CENTURY'S REPLY IN FURTHER SUPPORT OF ITS MOTION
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004
SEEKING AN ORDER AUTHORIZING REQUESTS FOR
PRODUCTION OF DOCUMENTS DIRECTED TO DEBTOR**

Local Rule 2004-1 does not allow a party to refuse to respond to multiple requests for documents for over a month, force an adversary to file a Rule 2004 motion and then, only after the motion is filed and poised to be heard, restart the clock by purporting to accept a subpoena, wait for the time to run and then object, requiring yet another motion. This is what has happened here.

The Debtor admits that it has produced thousands of pages of documents about its assets, liabilities, and insurance to the Tort Committee. [ECF No. 288]. This production was made prior to—and was therefore not contingent on—the Debtor and the Tort Committee’s agreement on a Confidentiality Order. Beginning in December 2020, Century made at least five written requests for these same documents to Debtor’s counsel. Not only did the Debtor not produce the documents (save just for some insurance documents), but the Debtor largely did not respond whatsoever to Century’s requests.

Under Federal Rule of Bankruptcy Procedure 2004, “[o]n the motion of any party in interest, the court may order the examination of any entity[]” relating to (among other things) “the acts, conduct, or . . . liabilities and financial condition of the debtor,” or “any matter which may affect the administration of the debtor’s estate,” and “any other matter relevant to the [Chapter 11] case or to the formulation of a plan.” *See* Fed. R. Bankr. P. 2004(a)-(b).

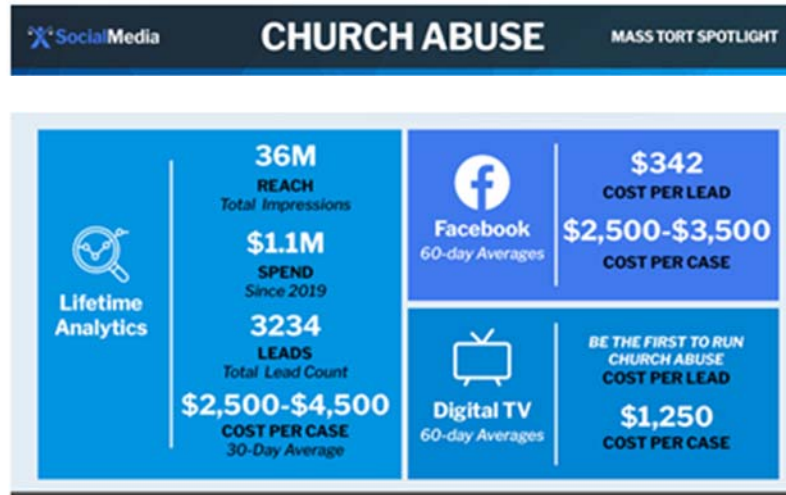
As a result of the Debtor’s failure to respond after a month of requests, Century was forced to file its Motion under this Rule 2004 on January 20, 2021. Only *after* Century’s Motion was filed and poised to be heard did the Debtor indicate it would accept a subpoena. *See* Debtor’s Opposition Brief [ECF No. 418]. The Debtor did not agree to produce the documents. Instead, it conditioned its production on Century waiving its substantive rights with regard to the use of the documents. Should Century be forced to issue a subpoena now, that would only set the clock back further on the Debtor’s production given that the Debtor has indicated it would trigger additional motion practice before this Court. This is not what Local Rule 2004-1 contemplates.

All Century seeks is an order directing the Debtor to produce to Century the documents it voluntarily turned over to the Tort Claimant Committee without a confidentiality order or agreement in place. If the Debtor contends that the documents it voluntarily gave to the Tort

Claimant Committee under these circumstances are confidential, it has the burden to establish its entitlement to a Protective Order and has the obligation to move. It has done neither here.

Century's right under Section 502 to investigate claims are extremely important. Third-party for-profit claim aggregators are in the midst of an unprecedented effort to generate claims.

We attach below a price list for claims against churches:



All we ask for is a level playing field that preserves Century's rights to freely investigate claims as it was able to do pre-petition.

WHEREFORE, Century's Motion should be granted and such other relief as is just ordered.

Dated: February 24, 2021

Respectfully Submitted,

By: /s/ Jason King

O'MELVENY & MYERS LLP
Tancred Schiavoni, Esq. (*pro hac vice*)
Times Square Tower
7 Times Square
New York, New York 10036-6537
Telephone: (212) 326-2000
Email: tschiavoni@omm.com

SQUIRE PATTON BOGGS (US) LLP
Mark D. Sheridan
Jason King
382 Springfield Avenue
Summit, New Jersey 07901
Telephone: (973) 848-5681
Email: mark.sheridan@squirepb.com
jason.king@squirepb.com

*Counsel for Counsel for Century Indemnity
Company, as successor to CCI Insurance
Company, as successor to Insurance Company
of North America*

p