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*Counsel for Counsel for Century Indemnity
Company, as successor to CCI Insurance
Company, as successor to Insurance Company
of North America (also improperly pled as
Chubb Limited)*

**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)

**NOTICE OF MOTION OF CENTURY INDEMNITY COMPANY, AS SUCCESSOR
TO CCI INSURANCE COMPANY, AS SUCCESSOR TO INSURANCE COMPANY
OF NORTH AMERICA, PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004 SEEKING AN ORDER AUTHORIZING REQUESTS FOR
PRODUCTION OF DOCUMENTS DIRECTED TO DEBTORS AND AN
ADJOURNMENT OF THE DISCLOSURE STATEMENT HEARING**

PLEASE TAKE NOTICE that at 10:00 a.m. on February 18, 2021, or as soon thereafter as counsel may be heard, Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America (“Century”), will move before the

Honorable Jerrold N. Poslusny, Jr., 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: (i) authorizing Century to issue requests for production under Federal Rule of Bankruptcy Procedure 2004; (ii) a thirty day adjournment of the disclosure statement hearing; and (iii) granting related relief (the “Motion”).

PLEASE TAKE FURTHER NOTICE that Century shall rely upon the accompanying Motion brief, argument of counsel, and any other matters presented at the hearing. Century submits that no separate memorandum of law is necessary because the applicable law is adequately set forth in the attached Motion.

PLEASE TAKE FURTHER NOTICE that objections, that objections, if any, to the relief requested in the Motion shall be filed with the Clerk of the United States Bankruptcy in accordance with D.N.J. LBR 9013.

PLEASE TAKE FURTHER NOTICE that in the event no objections are filed, the Court may grant the relief requested in the Motion without further notice or hearing.

PLEASE TAKE FURTHER NOTICE that oral argument is hereby waived unless timely objection is received.

PLEASE TAKE FURTHER NOTICE that an order granting the relief requested herein is submitted herewith and made part of the Motion herein.

Dated: January 20, 2021

Respectfully Submitted,

By: /s/ Marianne May

CLYDE & CO US LLP
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing *Notice of Motion and Motion* were filed with the United States Bankruptcy Court for the District of New Jersey's electronic filing system, which duly served via electronic mail, to all parties of record.

Dated: January 20, 2021

By: /s/ Marianne May

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FOR THE DISTRICT OF NEW JERSEY**

In re:

THE DIOCESE OF CAMDEN, NEW
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Chapter 11

Case No. 20-21257 (JNP)

**CENTURY'S MOTION PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004 SEEKING AN ORDER AUTHORIZING REQUESTS
FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEBTORS AND
AN ADJOURNMENT OF THE DISCLOSURE STATEMENT HEARING**

Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America ("Century"), submits this motion (the "Motion") for an entry of an order, attached hereto as **Exhibit A**, (i) authorizing Century to issue requests for production on the Debtor, substantially in the form attached hereto as **Exhibit B**, under Federal

Rule of Bankruptcy Procedure 2004 for the documents the Debtor has already produced to the Tort Committee; (ii) a thirty-day adjournment of the disclosure statement hearing; and (iii) granting related relief. In support of this motion, Century respectfully states as follows:

PRELIMINARY STATEMENT

1. This motion is simple. The Debtors produced documents concerning its assets and liabilities to the Tort Committee. Century politely requested copies of the same documents from the Debtors so it could prepare for the disclosure statement hearing. Century's counsel called and wrote (five times) over the period of a month and got no answer. The Debtors just ran the clock as the date for the hearing approached. The documents cannot be privileged as Century only seeks what the Debtors have turned over to the Tort Committee. And Century's request imposes near zero burden as the Debtors have collected and copied the documents sought.

JURISDICTION

2. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey, entered on July 23, 1984, and amended on September 18, 2012. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. The statutory predicates for the relief sought in this Motion are sections 1125 and 1126 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code"), and Rule 2004 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

BACKGROUND

4. In the Debtor's Response to the Tort Committee's Statement and Reservation of Rights on the Debtor's Motion to Extend the Exclusive Period to File a Chapter 11 Bankruptcy

Plan [ECF No. 288], counsel states that the Debtor has produced thousands of pages of documents about its assets, liabilities, and insurance policies to the Tort Committee.

5. Over a period of one month, Century made five written requests for these same documents to Debtors' counsel. These requests were made on the following dates: December 22, 2020; January 2, 2021; January 12, 2021; January 14, 2021; and January 15, 2021.

6. After having received no response from the Debtor, counsel for Century raised the issue at a January 6, 2021 status conference with the Court. Debtors' counsel did not object to the request or say that he would not comply. The Court asked the parties to resolve the issue amicably before seeking the Court's intervention.

7. Since that conference, Century has made three written requests for the documents.

8. On January 15, 2021, Century sent a letter to the Debtor asking for a meet and confer on this issue and for confirmation in writing no later than January 19, 2021 if the Debtor would agree to produce the documents.

9. The Debtor responded on January 19, 2021 but did not produce the documents or agreed to do so by a set date.

10. The documents Century seeks are essential to its evaluation of the plan of reorganization and the disclosure statement, as they concern the assets, liabilities, and insurance of the Debtor.

RELIEF REQUESTED

11. By this Motion, Century respectfully seeks an order from the Court substantially in the form of the proposed order submitted herewith as **Exhibit A** (i) authorizing Century to issue requests for production on the Debtor under Federal Rule of Bankruptcy Procedure 2004 for the documents the Debtor has already produced to the Tort Committee; (ii) a thirty-day adjournment of the disclosure statement hearing; and (iii) granting related relief.

BASIS FOR RELIEF

12. Federal Rule of Bankruptcy Procedure 2004 provides that “[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).

13. Here, Century asks the Court for an order authorizing it to issue two requests for production to the Debtor, which are narrowly tailored to seek only those documents that the Debtor has already given to the Tort Committee, and to order the Debtor to produce those documents under Rule 2004.

14. Century also asks the Court for a thirty-day adjournment of the disclosure statement hearing so that Century will have a sufficient opportunity to examine and evaluate the documents produced by the Debtor.

CONCLUSION

15. **WHEREFORE**, Century respectfully requests that this Court enter the proposed Order substantially in the form submitted herewith as **Exhibit A**, granting the relief requested herein and other such relief as this Court deems proper.

Dated: January 20, 2021

Respectfully Submitted,

By: /s/ Marianne May

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EXHIBIT A

Proposed Order

**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)

**[PROPOSED] ORDER GRANTING CENTURY’S MOTION PURSUANT TO FEDERAL
RULE OF BANKRUPTCY PROCEDURE 2004 SEEKING AN ORDER AUTHORIZING
REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO DEBTORS AND
AN ADJOURNMENT OF THE DISCLOSURE STATEMENT HEARING**

Upon the motion (the “Motion”)¹ of Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America (“Century”) for entry of an Order granting certain relief requested in the Motion (D.I. _____), it is **HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**.
2. The Disclosure Statement hearing, currently scheduled for February 10, 2021 at 10:00 AM, is adjourned for thirty (30) days to March 12, 2021.
3. Century is authorized under Bankruptcy Rule 2004 to issue requests for production on the Debtor, substantially in the form attached to the Motion as **Exhibit B**.
4. The Debtor is directed to produce all documents and information responsive to Century’s discovery requests and to deliver such documents and information to the attention of Tancred Schiavoni, at O’Melveny & Myers LLP, Times Square Tower, 7 Times Square,

¹ All capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Motion.

New York, New York 10036-6537 within fourteen (14) days after entry of this order or at such other place and time as may be agreed upon by the parties.

5. Nothing contained herein shall prejudice Century's rights under Bankruptcy Rule 2004 and other applicable laws to seek further document productions and written and oral examinations in connection with these Chapter 11 Cases.

6. The Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

Dated _____

United States Bankruptcy Judge

EXHIBIT B

Proposed Requests for Production

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**CENTURY'S REQUESTS FOR PRODUCTION OF
DOCUMENTS DIRECTED TO DEBTORS**

Century Indemnity Company, as successor to CCI Insurance Company, as successor to Insurance Company of North America ("Century"), pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, hereby propounds Requests for Production of Documents to the Debtor.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

All documents that the Debtor has provided to the Tort Committee concerning its assets or alleged assets, the assets or alleged assets of the Non-Debtor parishes and schools, and the abuse claims asserted against the Debtor and individuals alleged to have abused claimants.

REQUEST FOR PRODUCTION NO. 2:

All documents Debtor has provided to the Tort Committee concerning its insurance and the insurance of the Non-Debtor parishes and schools.

Dated: January 20, 2021

Respectfully Submitted,

By: /s/ Marianne May

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