

LOWENSTEIN SANDLER LLP

Jeffrey D. Prol, Esq.
Michael A. Kaplan, Esq.
Colleen Maker, Esq.
One Lowenstein Drive
Roseland, NJ 07068
Telephone: (973) 597-2500
Counsel to the Official Committee of Tort Claimant Creditors

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

In re:

THE DIOCESE OF CAMDEN, NEW
JERSEY,

Debtor.

OFFICIAL COMMITTEE OF TORT
CLAIMANT CREDITORS OF THE
DIOCESE OF CAMDEN, NEW JERSEY,

Plaintiff,

v.

THE DIOCESE OF CAMDEN, NEW
JERSEY; CATHEDRAL OF THE
IMMACULATE CONCEPTION;
CATHOLIC COMMUNITY OF CHRIST
OUR LIGHT; CHRIST THE GOOD
SHEPHERD PARISH; CHURCH OF
CHRIST THE KING; CHRIST THE
REDEEMER PARISH; DIVINE MERCY
PARISH; HOLY ANGELS PARISH;
HOLY CHILD PARISH; PARISH OF THE
HOLY CROSS; HOLY EUCHARIST
PARISH; CHURCH OF THE HOLY
FAMILY; CATHOLIC COMMUNITY OF
THE HOLY SPIRIT; HOLY TRINITY
PARISH; R.C. CHURCH OF THE
INCARNATION; INFANT JESUS

Chapter 11

Case No. 20-21257 (JNP)

Adv. Pro. No. 21- _____ (JNP)

PARISH; MARY, MOTHER OF MERCY
PARISH; MARY, QUEEN OF ALL
SAINTS PARISH; MOST PRECIOUS
BLOOD PARISH; NOTRE DAME DE LA
MER PARISH; OUR LADY OF THE
ANGELS; OUR LADY OF THE
BLESSED SACRAMENT; OUR LADY
OF THE LAKES; OUR LADY, STAR OF
THE SEA; OUR LADY OF GUADALUPE
PARISH; OUR LADY OF HOPE PARISH;
OUR LADY OF PEACE PARISH; OUR
LADY OF PERPETUAL HELP PARISH;
OUR LADY OF SORROWS; PARISH OF
ALL SAINTS; CHURCH OF THE
SACRED HEART; ST. ANDREW THE
APOSTLE'S R.C. CHURCH; ST.
BRENDAN THE NAVIGATOR PARISH;
ST. BRIDGET CATHOLIC CHURCH;
CHURCH OF ST. CHARLES
BORROMEIO; ST. CLARE OF ASSISI
PARISH; ST. DAMIEN PARISH; ST.
ELIZABETH ANN SETON; ST.
GABRIEL THE ARCHANGEL PARISH;
ST. GIANNA BERETTA MOLLA
PARISH; ST. JOACHIM PARISH;
PARISH OF ST. JOHN NEUMANN; ST.
JOSEPH'S CATHOLIC CHURCH, SEA
ISLE; ST. JOSEPH'S CHURCH, SOMERS
POINT; ST. JOSEPH PRO-CATHEDRAL;
ST. JOSEPH THE WORKER PARISH;
CHURCH OF ST. KATHARINE
DREXEL; ST. MARY'S R.C. CHURCH;
ST. MARY'S CHURCH; ST. MARY OF
MOUNT CARMEL PARISH; PARISH OF
ST. MAXIMILIAN KOLBE; PARISH OF
ST. MICHAEL THE ARCHANGEL;
PARISH OF ST. MONICA; ST. PADRE
PIO; ST. PETER, MERCHANTVILLE,
N.J. PARISH; CHURCH OF ST. ROSE OF
LIMA; ST. SIMON STOCK PARISH; ST.
STEPHEN'S R.C. CHURCH; ST. TERESA
OF CALCUTTA PARISH; ST. THOMAS'
CATHOLIC CHURCH; CHURCH OF ST.
THOMAS MOORE; ST. VINCENT DE
PAUL PARISH; CHURCH OF SAINTS
PETER AND PAUL; MATER

ECCLESIAE CHAPEL, INC.; SAINT YI YUN II CHERRY HILL KOREAN CATHOLIC MISSION, INC.; SAINT ANDREW KIM KOREAN CATHOLIC MISSION, INC.; PADRE PIO SHRINE BUENA BOROUGH, N.J., INC.; HOLY SPIRIT HIGH SCHOOL; CAMDEN CATHOLIC HIGH SCHOOL; POPE PAUL VI HIGH SCHOOL; BISHOP JAMES T. MCHUGH REGIONAL SCHOOL; ST. JOSEPH CHILD DEVELOPMENT CENTER, INC.,

Defendants.

ADVERSARY COMPLAINT

Plaintiff, the Official Committee of Tort Claimant Creditors (the “Committee”) of the Diocese of Camden, New Jersey (the “Debtor” or “Diocese”), by way of this adversary complaint (the “Complaint”) against the Diocese and the Parishes, Missions, and Schools (each as defined below, together the “Non-Debtors” and with the Diocese, the “Defendants”), hereby states and alleges as follows:

PRELIMINARY STATEMENT¹

1. By this Complaint, the Committee seeks, *inter alia*, a determination from the Court regarding the ownership of more than \$147 million in assets, as of January 31, 2021, that are comprised of cash and investments held by the Diocese in five accounts at PNC Bank in the Diocese’s name and loans to Non-Debtors. These assets, along with the associated Non-Debtor Deposits comprise the Deposit & Loan Fund, the Parish Trust, and the Revolving Fund (the “DLF”) (as further defined below). The DLF, and various elements of the DLF, have

¹ Capitalized terms not defined in this Preliminary Statement shall have the meanings ascribed to them in this Complaint.

interchangeably been referred to by the Diocese during the pendency of the Chapter 11 Case as Parish Trusts, the Revolving Fund, and Parish Loans.

2. The Defendants are inextricably intertwined both operationally and financially. The Defendants shuffle assets between each other with the goal of shielding assets from their creditors. The Committee urges the Court to see through this façade. At its core, the Defendants constitute a single unified entity, and Defendants present themselves to the public as such.

3. To treat the Defendants as separate entities, particularly in light of the Debtor's Chapter 11 Case and the treatment of the Non-Debtors it intends to seek in a plan of reorganization, would severely prejudice the Diocese's creditors, including those survivors who suffered sexual abuse by parties under the collective control of the Defendants.

4. For example, the Diocese contends that the cash and investments portion of the DLF assets, which are shown to be \$103.5 million as of January 31, 2021 are not part of the Diocese's estate, and thus cannot be reached by creditors of the Diocese, including the abuse survivors.

5. The Committee seeks a declaratory judgment that the Non-Debtors are so entangled with the Diocese and its estate as to require substantive consolidation of each of the Defendants' assets, including each Non-Debtors' allocated share of the DLF.

6. Alternatively, the Committee seeks a judgment determining that the Non-Debtors are mere instrumentalities, agents, and/or alter egos of the Diocese and that the Defendants are a single legal entity.

7. The Committee further contends that the Diocese failed to establish, and indeed cannot establish, that a valid trust exists with respect to the \$147 million of DLF assets.

8. The Committee further contends that the Diocese owns all legal and equitable interest in the DLF.

9. The Committee respectfully requests a judgment from this Court declaring the DLF property of the estate.

10. Finally, the Committee further contends the DLF, and all of the funds and assets held therein on behalf of the Non-Debtors, are comingled with the other alleged funds of the Diocese, and cannot be traced to the assets of each individual Non-Debtor.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this adversary proceeding (the “Adversary Proceeding”) pursuant to 28 U.S.C. §§ 157 and 1334(b).

12. Venue in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409 as this adversary proceeding arises under and in connection with a case under Chapter 11 of the Bankruptcy Code that is pending in this District.

13. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (O).

14. The Committee has standing to pursue this Complaint pursuant to 11 U.S.C. § 1103.²

PARTIES

15. Plaintiff is the Committee of Tort Claimant Creditors in this Chapter 11 case appointed by the Office of the United States Trustee pursuant to 11 U.S.C. § 1102(a)(1). The Committee is a party in interest in the Debtor’s Chapter 11 case pursuant to 11 U.S.C. § 1109(b).

16. The Committee is comprised of nine creditors with claims against, *inter alia*, the Diocese based upon sexual abuse by members of the clergy, workers, teachers, volunteers, or other

² Simultaneously herewith, the Committee has filed a motion for an order granting standing to pursue Count Two (Alter Ego) only.

persons or entities associated with or representing the Diocese and/or the Non-Debtors, or other Diocese-related institutions served by the Diocese.

17. Defendant Diocese of Camden, New Jersey is a New Jersey not-for-profit religious corporation with its principal place of business at 631 Market Street, Camden, New Jersey 08102 and is the Chapter 11 debtor and debtor-in-possession in the underlying bankruptcy proceeding.

18. The Diocese's governing body is comprised of six members. The Most Rev. Dennis J. Sullivan (the current Bishop of the Diocese and hereafter the "Bishop") is the President of the Diocese.

19. Defendant Cathedral of the Immaculate Conception is a New Jersey not-for-profit religious corporation with its principal place of business at 642 Market Street, Camden, New Jersey 08102.

20. Defendant Catholic Community of Christ Our Light is a New Jersey not-for-profit religious corporation with its principal place of business at 402 Kings Highway North, Cherry Hill, New Jersey 08034.

21. Defendant Christ the Good Shepherd Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 1655 Magnolia Road, Vineland, New Jersey 08361.

22. Defendant Church of Christ the King is a New Jersey not-for-profit religious corporation with its principal place of business at 200 Windsor Avenue, Haddonfield, New Jersey 08033.

23. Defendant Christ the Redeemer Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 318 Carl Hasselhan Drive, Atco, New Jersey 08004.

24. Defendant Divine Mercy Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 23 West Chestnut Ave, Vineland, New Jersey 08360.

25. Defendant Holy Angels Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 81 Cooper Street, Woodbury, New Jersey 08096.

26. Defendant Holy Child Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 13 East Evesham Road, Runnemede, New Jersey 08078.

27. Defendant Parish of the Holy Cross is a New Jersey not-for-profit religious corporation with its principal place of business at 46 Central Avenue, Bridgeton, New Jersey 08302.

28. Defendant Holy Eucharist Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 344 Kresson Road, Cherry Hill, New Jersey 08034.

29. Defendant Church of the Holy Family is a New Jersey not-for-profit religious corporation with its principal place of business at 266 Hurffville Road, Sewell, New Jersey 08080.

30. Defendant Catholic Community of the Holy Spirit is a New Jersey not-for-profit religious corporation with its principal place of business at 17 Earlington Avenue, Mullica Hill, New Jersey 08062.

31. Defendant Holy Trinity Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 11 North Kenyon Avenue, Margate City, New Jersey 08402.

32. Defendant R.C. Church of the Incarnation is a New Jersey not-for-profit religious corporation with its principal place of business at 240 Main Street, Mantua, New Jersey 08051.

33. Defendant Infant Jesus Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 334 Beach Avenue, Woodbury Heights, New Jersey 08097.

34. Defendant Mary, Mother of Mercy Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 500 Greentree Road, Glassboro, New Jersey 08028.

35. Defendant Mary, Queen of All Saints Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 4824 Camden Avenue, Pennsauken, New Jersey 08110.

36. Defendant Most Precious Blood Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 445 White Horse Pike, West Collingswood, New Jersey 08107.

37. Defendant Notre Dame de la Mer Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 1500 Central Avenue, North Wildwood, New Jersey 08260.

38. Defendant Our Lady of the Angels is a New Jersey not-for-profit religious corporation with its principal place of business at 35 East Mechanic Street, Cape May Court House, New Jersey 08210.

39. Defendant Our Lady of the Blessed Sacrament is a New Jersey not-for-profit religious corporation with its principal place of business at 104 Catawba Avenue, Newfield, New Jersey 08344.

40. Defendant Our Lady of the Lakes is a New Jersey not-for-profit religious corporation with its principal place of business at 19 Malaga Road, Collings Lakes, New Jersey 08094.

41. Defendant Our Lady, Star of the Sea is a New Jersey not-for-profit religious corporation with its principal place of business at 520 Lafayette Street, Cape May, New Jersey 08204.

42. Defendant Our Lady of Guadalupe Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 135 North White Horse Pike, Lindenwold, New Jersey 08021.

43. Defendant Our Lady of Hope Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 701 Little Gloucester Road, Blackwood, New Jersey 08012.

44. Defendant Our Lady of Peace Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 32 Carroll Avenue, Williamstown, New Jersey 08094.

45. Defendant Our Lady of Perpetual Help Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 146 South Pitney Road, Galloway, New Jersey 08205.

46. Defendant Our Lady of Sorrows is a New Jersey not-for-profit religious corporation with its principal place of business at 724 Maple Avenue, Linwood, New Jersey 08094.

47. Defendant Parish of All Saints is a New Jersey not-for-profit religious corporation with its principal place of business at 621 Dock Street, Millville, New Jersey 08332.

48. Defendant The Church of the Sacred Heart is a New Jersey not-for-profit religious corporation with its principal place of business at 1739 Ferry Avenue, Camden, New Jersey 08104.

49. Defendant St. Andrew the Apostle's R.C. Church is a New Jersey not-for-profit religious corporation with its principal place of business at 27 Kresson-Gibbsboro Road, Gibbsboro, New Jersey 08026.

50. Defendant St. Brendan the Navigator Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 5012 Dune Drive, Avalon, New Jersey 08202.

51. Defendant St. Bridget Catholic Church is a New Jersey not-for-profit religious corporation with its principal place of business at 125 Church Street, Glassboro, New Jersey 08028.

52. Defendant Church of St. Charles Borromeo is a New Jersey not-for-profit religious corporation with its principal place of business at 176 Stagecoach Road, Sicklerville, New Jersey 08081.

53. Defendant St. Clare of Assisi Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 140 Broad Street, Swedesboro, New Jersey 08085.

54. Defendant St. Damien Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 1337 Asbury Avenue, Ocean City, New Jersey 08081.

55. Defendant St. Elizabeth Ann Seton is a New Jersey not-for-profit religious corporation with its principal place of business at 591 New Jersey Avenue, Absecon, New Jersey 08201.

56. Defendant St. Gabriel the Archangel Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 369 Georgetown Road, Carneys Point, New Jersey 08069.

57. Defendant St. Gianna Beretta Molla is a New Jersey not-for-profit religious corporation with its principal place of business at 1421 New Road, Northfield, New Jersey 08225.

58. Defendant St. Joachim Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 601 West Browning Road, Bellmawr, New Jersey 08031.

59. Defendant Parish of St. John Neumann is a New Jersey not-for-profit religious corporation with its principal place of business at 680 Town Bank Road, North Cape May, New Jersey 08204.

60. Defendant St. Joseph's Catholic Church, Sea Isle is a New Jersey not-for-profit religious corporation with its principal place of business at 126 44th Street, Sea Isle City, New Jersey 08243.

61. Defendant St. Joseph's Church, Somers Point is a New Jersey not-for-profit religious corporation with its principal place of business at 606 Shore Road, Somers Point, New Jersey 08244.

62. Defendant St. Joseph Pro-Cathedral is a New Jersey not-for-profit religious corporation with its principal place of business at 2907 Federal Street, Camden, New Jersey 08105.

63. Defendant St. Joseph the Worker Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 901 Hopkins Road, Haddon Township, New Jersey 08033.

64. Defendant Church of St. Katharine Drexel is a New Jersey not-for-profit religious corporation with its principal place of business at 6075 West Jersey Avenue, Egg Harbor Township, New Jersey 08243.

65. Defendant St. Mary's R.C. Church is a New Jersey not-for-profit religious corporation with its principal place of business at 2001 Springdale Road, Cherry Hill, New Jersey 08003.

66. Defendant St. Mary's Church is a New Jersey not-for-profit religious corporation with its principal place of business at 426 Monmouth Street, Gloucester, New Jersey 08030.

67. Defendant St. Mary of Mount Carmel Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 226 French Street, Hammonton, New Jersey 08037.

68. Defendant Parish of St. Maximilian Kolbe is a New Jersey not-for-profit religious corporation with its principal place of business at 200 Tuckahoe Road, Marmora, New Jersey 08223.

69. Defendant Parish of St. Michael the Archangel is a New Jersey not-for-profit religious corporation with its principal place of business at 49 West North Street, Clayton, New Jersey 08312

70. Defendant Parish of St. Monica is a New Jersey not-for-profit religious corporation with its principal place of business at 2651 Atlantic Avenue, Atlantic City, New Jersey 08401.

71. Defendant St. Padre Pio is a New Jersey not-for-profit religious corporation with its principal place of business at 4680 Dante Avenue, Vineland, New Jersey 08360.

72. Defendant St. Peter, Merchantville, NJ Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 43 West Maple Avenue, Merchantville, New Jersey 08109.

73. Defendant Church of St. Rose of Lima is a New Jersey not-for-profit religious corporation with its principal place of business at 300 East Kings Highway, Haddon Heights, New Jersey 08035.

74. Defendant St. Simon Stock Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 178 West White Horse Pike, Berlin, New Jersey 08009.

75. Defendant St. Stephen's R.C. Church is a New Jersey not-for-profit religious corporation with its principal place of business at 6306 Browning Road, Pennsauken, New Jersey 08109.

76. Defendant St. Teresa of Calcutta Parish is a New Jersey not-for-profit religious corporation with its principal place of business at 809 Park Avenue, Collingswood, New Jersey 08108.

77. Defendant St. Thomas' Catholic Church is a New Jersey not-for-profit religious corporation with its principal place of business at 331 8th Street South, Brigantine, New Jersey 08203.

78. Defendant Church of St. Thomas Moore is a New Jersey not-for-profit religious corporation with its principal place of business at 1439 Springdale Road, Cherry Hill, New Jersey 08003.

79. Defendant St. Vincent de Paul Parish is a religious corporation within the Diocese's territory located at 5021 Harding Highway, Mays Landing, New Jersey 08330.

80. Defendant Church of Saints Peter and Paul is a New Jersey not-for-profit religious corporation with its principal place of business at 362 Ganttown Road, Turnersville, New Jersey 08012.

81. The entities identified in paragraphs 19–80 above are each referred to individually herein as a “Parish” or collectively as the “Parishes”.

82. Pursuant to Title 16 of New Jersey law, each Parish is governed by a Board of Trustees comprised of the Bishop, the Vicar General of the Diocese, the pastor of the Parish, and two lay members of the Parish. Each Parish owns the real and personal property used in its ministry.

83. Certain of the Parishes own twenty-one elementary schools and two high schools affiliated with the Diocese (the “Parish Schools”). The Parish Schools are not separately incorporated, and are part of the Parishes.

84. Defendant Mater Ecclesiae Chapel, Inc. is a New Jersey not-for-profit corporation with its principal place of business at 261 Cross Keys Road, Berlin, New Jersey 08009.

85. Defendant Saint Yi Yun Il John Cherry Hill Korean Catholic Mission, Inc. is a New Jersey not-for-profit corporation with its principal place of business at 631 Market Street, Camden, New Jersey 08102.

86. Defendant Saint Andrew Kim Korean Catholic Mission, Inc. is a New Jersey not-for-profit corporation with its principal place of business at 631 Market Street, Camden, New Jersey 08102.

87. Defendant Padre Pio Shrine in Buena Borough, N.J., Inc. is a New Jersey non-profit membership corporation with its principal place of business at 631 Market Street, Camden, New Jersey 08102.

88. The entities identified in paragraphs 84–87 above are each referred to individually herein as a “Mission” and collectively as the “Missions”.

89. The Missions are incorporated under Title 15A of New Jersey law. Upon information and belief, aside from incorporation under Title 15A of New Jersey law, the respective corporate governance structures of the Missions mirrors that of the Parishes incorporated under Title 16 of New Jersey law.

90. The Parishes and Missions are referred to herein each as a “Parish Party” and collectively as the “Parish Parties”.

91. Defendant Holy Spirit High School is a New Jersey not-for-profit corporation with its principal place of business at 500 South New Road, Absecon, New Jersey 08201. The Bishop is the member of the corporation, and he appoints trustees and certain corporate officers and has certain reserved powers.

92. Defendant Camden Catholic High School is a New Jersey not-for-profit corporation with its principal place of business at Cuthbert Blvd. and Route 38, Cherry Hill, New Jersey 08002. The Bishop is the member of the corporation, and he appoints trustees and certain corporate officers and has certain reserved powers.

93. Defendant Pope Paul VI High School is a New Jersey not-for-profit corporation with its principal place of business at 901 Hopkins Road, Haddonfield, New Jersey 08033. The Bishop is the member of the corporation, and he appoints trustees and certain corporate officers and has certain reserved powers.

94. Defendant Bishop James T. McHugh Regional School is a New Jersey not-for-profit corporation with its principal place of business at 2221 NJ State Highway Route 9 North, Cape May Court House, New Jersey 08210. The trustees of Bishop James T. McHugh Regional School are *ex officio* the pastors in Cape May County, New Jersey.

95. Defendant St. Joseph Child Development Center, Inc. is a New Jersey not-for-profit corporation with its principal place of business at 17 Church Street, Camden, New Jersey 08105. The pastor of St. Joseph's Pro-Cathedral is an *ex officio* trustee of St. Joseph Child Development Center, Inc. Other trustees are appointed by the Bishop. The current trustees are Father Jaime Hostios, Mr. James Catrambone, and Ms. Frances Montgomery.

96. The schools identified in paragraphs 91–95 above are each referred to individually herein as an “Incorporated School” or collectively as the “Incorporated Schools”. The Incorporated Schools and the Parish Schools are each referred to individually herein as a “School” or collectively as the “Schools”.

FACTUAL BACKGROUND

A. The Parishes Parties and Declarations of Trust

97. Upon information and belief, each Parish Party is a party to a *Declaration of Trust* (each a “Declaration of Trust” and collectively the “Declarations of Trust”) with the Diocese memorializing an alleged trust under which the Diocese holds certain funds of the Parish Parties.

98. Upon information and belief, each Declaration of Trust is signed by the Bishop and the pastor of the relevant Parish Party.

99. Upon information and belief, each Declaration of Trust relating to a Mission incorrectly asserts that the Mission is incorporated under Title 16 of New Jersey Law.

100. Each Declaration of Trust substantially mirrors the others. Ninety-five percent of the Declarations of Trust were executed between 2010 and 2012 but purport to memorialize a pre-existing trustee relationship, at times allegedly dating back decades.

101. Section 1.2 of each Declaration of Trust provides that the Diocese, as the trustee, may commingle the assets of each Parish Party with its own assets, with assets of the other Parish

Parties, and with other assets which the Diocese allegedly holds for other entities. However, each Declaration of Trust provides that the trustee must maintain records that make the assets held on behalf of the Parish Party “readily identifiable.”

102. Upon information and belief, each Parish Party’s assets are and have been commingled at all times with assets of the other Non-Debtors and the Diocese.

103. The Declarations of Trust are failed attempts at establishing express trusts in accordance with New Jersey law.

B. The Parish Parties Lack Independent Corporate Control Over Their Own Administration

104. The Diocese exercises complete control and domination over the Parish Parties such that the Parish Parties are mere instrumentalities, agents, and/or alter egos of the Diocese that have no legal existence separate and distinct from the Diocese.

105. The Defendants hold themselves out to the public as a single, unified organization.

106. Defendants use the Diocese’s name to refer to the Parish Parties.

107. For instance, on the Diocese’s website at <http://www.camdendiocese.org> (the “Diocese Website”), the Diocese lists that “[t]here are 62 parishes in the six counties *comprising the Diocese.*” (emphasis added).

108. Upon information and belief, the Diocese makes an annual representation to the Internal Revenue Service that the Parish Parties are under its direct control so that the Parish Parties may receive tax-exempt status through group tax-exempt provisions of the Internal Revenue Code.

109. The Parish Parties and the Diocese do not adhere to corporate formalities or separateness.

110. For example, upon information and belief, the Diocese assumes responsibilities for the Parish Parties which are ordinarily designated to a corporate board such as establishing each

Parish Party's mission and strategic priorities, determining criteria for Parish Party membership and to whom it will provide services, executing fiscal management policies, managing risk for the Parish Party, and deciding how to use Parish Party property.

111. Upon information and belief, the Board of each Parish is comprised of the Bishop, Vicar General, pastor of the Parish, and two lay persons of the Parish. Vicars General are appointed and serve at the will of the Bishop. Similarly, the Board of each Mission is comprised primarily of the Bishop and/or trustees appointed by the Bishop. This allows the Bishop to retain complete authority and responsibility over entities and property within the Diocese, including that of the Parish Parties.

112. Upon information and belief, the Bishop dictates the governance of the Parish Parties by requiring them to adopt and file uniform Articles of Incorporation and Corporate Bylaws.

113. Upon information and belief, the Bishop has the unilateral power to dissolve or merge any of the Parish Parties or establish new ones.

114. Upon information and belief, the Bishop has the authority to "suppress" any Parish Party in the Diocese. Upon suppression of a Parish Party, either the assets of the suppressed Parish Party are transferred to another Parish Party in the Diocese, or the Diocese itself succeeds to the assets of the suppressed Parish Party.

115. The Diocese, through its central administrative offices, provides operational and administrative support to the Parish Parties.

116. The Diocese oversees and controls the employees of the Parish Parties, including many aspects of job training and employees' compensation.

117. The Bishop appoints the pastor of each Parish Party who can be removed at the will of the Bishop.

118. Upon information and belief, the appointment, termination, and all decisions relating to the placement and reassignment of each pastor rests exclusively with the Diocese.

119. Upon information and belief, all priests within the Diocese and Parish Parties are subject to the direct control of the Bishop.

120. Upon information and belief, the Diocese determines a priest's salary, health benefits, vacation, place of residence, and the Diocese has the sole exclusive authority over decisions regarding priest placement, discipline, removal, or transfer.

121. The Diocese provides payroll processing services for the Parish Parties. Upon information and belief, all employees of the Parish Parties are paid from a payroll account owned and maintained by the Diocese.

122. The Diocese provides health insurance and workers compensation insurance for the employees of the Parish Parties.

123. Due to the control by the Diocese of the Parish Parties and their employees, allegations of sexual abuse by priests within the Parish Parties are properly pled jointly as against both the Diocese and the individual Parish Party.

124. The Diocese further exercises direct control over legal strategies and choices regarding legal representation in matters involving the Parish Parties. Indeed, Parish Parties must seek the consent of the Bishop before commencing or entering into any litigation.

C. The Schools Lack Independent Corporate Control Over Their Own Administration

125. The Diocese exercises complete control and domination over the Schools such that the Schools are mere instrumentalities, agents, and/or alter egos of the Diocese that have no legal existence separate and distinct from the Diocese.

126. The Diocese controls the Parish Schools through its complete control over the Parishes.

127. The Schools are subject to the general supervision of the Diocese's Superintendent of Schools.

128. The Diocese conducts School operations and provides comprehensive risk management services to the Schools.

129. Upon information and belief, the Diocese routinely makes unilateral decisions regarding whether the Schools will remain open or will close.

130. The Diocese, through its central administrative offices, provides operational and administrative support to the Schools.

131. The Diocese oversees and controls the employees of the Schools and the employees' compensation.

132. Upon information and belief, the Diocese oversees many aspects of job training for the Schools' employees.

133. Due to the control by the Diocese of the Schools and their employees, allegations of sexual abuse by employees of the Schools are properly pled jointly as against both the Diocese and the individual School.

134. The Defendants hold themselves out to the public as a single, unified organization.

135. The Diocese Website contains a section dedicated to Education, and within that, to “South Jersey Catholic Schools,” among other educational avenues, which notes that the Diocese “sponsors 25 elementary schools and 5 high schools throughout Southern New Jersey.”

136. Further, the Diocese exercises direct control over legal strategies and choices regarding legal representation in matters involving the Schools.

D. The DLF

137. The Diocese maintains the DLF, which is a primary example of how the Diocese exercises influence and control over the Non-Debtors. The mechanics of the DLF, and associated asset and liability balances as of January 31, 2021,³ are as follows:

- a. Upon information and belief, the Non-Debtors, as well as other affiliates of the Diocese, are required to deposit into the DLF any cash beyond one month of operating expenses. A schedule produced by the Diocese (the “DLF Schedule”) indicates that as of January 31, 2021, the amount of deposits outstanding in the DLF totals at least \$111.1 million (the “DLF Deposits”).⁴ The DLF Deposits can be segmented into two broad categories. One segment, which totals \$89.1 million as of January 31, 2021, represents deposits made by the Non-Debtors into the DLF (“Non-Debtor Deposits”). The amount of Non-Debtor Deposits represents the liability portion of the DLF, and the Parish Parties earned interest on Non-Debtor Deposits. The other segment, which totals no less than \$22.0 million as of January

³ January 31, 2021 is the most recent date for which the Diocese has provided information to the Committee that reflects both asset and liability balances associated with the DLF.

⁴ The Diocese accounting system reflects outstanding DLF deposits in the amount of \$138.2 million, a discrepancy from the amount reflected in the DLF Schedule of \$27.1 million. The Committee has determined from the information provided that the full amount of the discrepancy relates to deposits attributable to the Diocesan Cemeteries, but the reason for the discrepancy remains unknown by the Committee. On several occasions, the Committee has sought an explanation of the discrepancy. Notwithstanding the Committee’s requests, no explanation has been provided by the Debtor.

31, 2021, represents funds the Diocese itself has deposited into the DLF (“Diocese Deposits”). Since Diocese Deposits represent funds internal to the Diocese, they do not represent a liability of the DLF and are not reported as such in the Diocese audited financial statements.⁵

- b. Funds received in connection with the DLF are contained in the following five bank and investment accounts at PNC Bank:⁶
- (i) PNC Bank NA as Custodian under agreement dated 12/12/11 for Diocese of Camden CHFS - Revolving Fund;
 - (ii) PNC Bank NA as Custodian under agreement dated 12/12/11 for Diocese of Camden CHFS - Special Gifts / Tuition Investment;
 - (iii) PNC Bank NA as Custodian under agreement dated 12/12/11 for Diocese of Camden Stock CHFS - Investment Policy;
 - (iv) PNC Bank NA as Custodian under agreement dated 12/12/11 for Diocese of Camden CHFS - Targeted General Investment Policy; and
 - (v) PNC Bank NA as Custodian under agreement dated 12/12/11 for Diocese of Camden CHFS - Treasury General.
- c. The Non-Debtors are able to borrow funds from the DLF in the form of unsecured loans with various repayment terms for the purpose of funding capital improvements, or for other funding needs of the Non-Debtors. Accordingly, the assets of the DLF are comprised of: 1) cash and investments, which represent deposits and investment returns on deposits that have not been used to fund loans to the Non-Debtors, and 2) outstanding loans to Non-Debtors. As of January 31,

⁵ The audited financial statements prepared by the Diocese include the consolidated financial statements of the Diocese, the Diocese of Camden Trusts, Inc. (“DOC Trusts”), and the Diocese of Camden Healthcare Foundation, Inc. (“DOC Healthcare”).

⁶ The DLF has been in existence for decades, and over time, the bank and investment accounts used by the DLF have been at various financial institutions.

2021, the assets of the DLF totaled \$147 million, which are comprised of cash and investments of \$103.5 million, and loans to Non-Debtors in the amount of \$43.5 million.

138. The Committee's investigation of the Diocese's financial reporting shows that prior to the Petition Date, the Diocese's financial reports reflected all assets of the DLF, including both cash and investments and loans to Non-Debtors, as assets of the Diocese. Further, the Diocese's financial reporting prior to the Petition Date also reflected Non-Debtor Deposits as liabilities of the Diocese.

139. Further, in the context of the bankruptcy, the Diocese produced an export of its accounting system data. The Committee has extracted and evaluated accounting data that the Debtor has represented relates solely to the Diocese. Just as with the audited financial statements, the Diocese's accounting data reports cash and investments and loans to Parish Parties as assets of the Debtor, and Non-Debtor Deposits as liabilities of the Debtor.

140. Since the Petition Date, the Diocese, in the financial reporting set forth in the Monthly Operating Reports, has altered the accounting treatment of the DLF by excluding both the assets and liabilities of the DLF. This has been done in an attempt to obfuscate what the DLF is and the fact that the assets and liabilities of the DLF are in fact assets and liabilities of the Debtor.

141. Upon information and belief, assets attributable to the Schools are similarly commingled with the assets of other Defendants, and other entities in the DLF.

142. The Diocese then uses certain accounts in the DLF to process payment of capital expenses for the Parish Parties, deposit loan payments for Parish Parties that have outstanding loan balances, and make various payments to the Schools. The Parish Parties must request funding

from the Diocese from the funds allegedly held on their behalf in the DLF for maintenance, improvement, and repairs on the real property owned by the Parish Parties.

143. The Diocese asserts that it records activity related to the DLF, including activities relating to the Non-Debtors, in the Diocese's accounting system by creating accounting entries and accounting codes through which it records and prorates the commingled bank and investment accounts.

144. The Diocese holds legal title to the funds held in the DLF.

145. Further, upon information and belief, the funds held in the DLF are and have been commingled at all times with non-trust funds of the Diocese and/or funds from more than one Non-Debtor.

146. The entire balance of the DLF is property of the Diocese's estate under Section 541(a) of the Bankruptcy Code.

E. The Non-Debtors Lack Independent Financial Control Over Their Own Financial Affairs and the DLF

147. The Diocese exercises complete financial control and domination over the Non-Debtors and the DLF through the Bishop.

148. Upon information and belief, the Non-Debtors must deposit all funds above what is required for one month of operations into the DLF and must ask the Diocese for funds for capital expenses and loan payments.

149. For example, the Parish Parties own real estate valued at hundreds of millions of dollars. The Diocese, through the DLF, provides funding for improvements, maintenance, and repairs on that real estate. The Parish Parties must request funding for the needs of the particular real estate, and the timing and amount of that funding is dictated and controlled by the Diocese.

150. Upon information and belief, the Parish Parties cannot control the use of their

facilities and must seek approval from the Diocese before entering into agreements for even short term use.

151. Upon information and belief, the Parish Parties are not permitted to approve fundraising or donations to charity – such decisions are made by the Bishop through the Diocese.

152. Upon information and belief, the Diocese strictly requires the Parish Parties to obtain written permission (in the form of a proxy vote) from the Bishop and the Vicar General before any Parish Party may take any number of actions, including purchasing any interest in real property, entering into any loan, granting any mortgage, establishing any line of credit, purchasing personal property of \$25,000 or more, entering a lease of any kind for a term of longer than one year, building any new structure on Parish Party property, renovating or restoring any existing Parish Party improvements, initiating maintenance projects of \$25,000 or more, or initiating a capital fund campaign in which the total projected annual expenses exceed \$25,000.

153. Similarly, the budgets of the Schools must be approved by the Diocese.

154. Upon information and belief, the Diocese requires that it be named as a secondary insured whenever Parish Parties' facilities are used by others.

155. Upon information and belief, the Non-Debtors are required to follow accounting procedures promulgated by the Diocese and to file budgets and annual reports with the Diocese.

156. Upon information and belief, the Diocese dictates the Non-Debtors' accounting practices, and even manages, pays for, and oversees implementing the accounting programs used by the Non-Debtors.

157. Upon information and belief, the Diocese makes an annual representation to the Internal Revenue Service that the Parish Parties are under its direct control so that the Parish Parties may receive tax-exempt status through group tax-exempt provisions of the Internal Revenue Code.

158. The business operations of the Defendants are inextricably intertwined and interdependent, such that the Non-Debtors would not be able to survive as separate entities.

159. The Diocese raises money through an annual appeal and uses the funds raised to support the Non-Debtors.

160. Upon information and belief, the Diocese funds all or most of the Non-Debtors' operations either through direct contributions to their budgets or through fundraising programs.

161. Upon information and belief, the Schools' financial assistance programs are materially subsidized with Diocesan funds.

162. Upon information and belief, the Parish Parties also provide funding to the Diocese through parish assessments, which are used to fund the general operations of the Diocese. The Diocese assesses the Non-Debtors ten percent of their annual ordinary income. Assessments are due on a monthly basis and provide financial support for the Diocese's pastoral, education, religious personnel development (education and care of priest and seminarians), youth, and administrative program areas.

F. Defendants Routinely Transact with Each Other in a Manner Contrary to Their Individual Best Interests

163. The Diocese operationally and financially controls the Non-Debtors.

164. As a result of the complete day-to-day operational and financial control and domination exercised by the Diocese over the Non-Debtors, the Defendants have failed to observe proper corporate formalities and have not dealt with each other at arm's length.

165. Upon information and belief, the Non-Debtors frequently follow the Diocese's instructions, even if doing so is not in the best financial interest of the individual Non-Debtor.

166. For example, upon information and belief, the Diocese has caused the Parish Parties to transfer property to the Diocese and each other for either no or only nominal consideration.

167. Upon information and belief, the Diocese enters into lease agreements with the Non-Debtors for the use of the Diocese's real property in exchange for little to no consideration.

168. Upon information and belief, the Parish Parties also provide services and beneficial property rights or property use to other Non-Debtors or other Diocese affiliates without receiving equivalent consideration in exchange.

169. Upon information and belief, the Diocese holds and sells real property to the Non-Debtors for significantly below fair market value.

170. The Diocese subsidizes the Non-Debtors without receiving consideration in exchange.

171. The Diocese also provides loans and grants to the Non-Debtors.

172. As of April 30, 2021, the Non-Debtors collectively owed between \$73.8 million and \$77 million in accounts and loans receivable to the Diocese. Of those amounts, the Diocese has asserted an allowance, or reduction, of \$52.3 million to \$53.7 million.

173. Upon information and belief, the Diocese alleges that only between \$21.5 million and \$23.3 million is collectible despite the fact that the assets of the Non-Debtors far exceed the amounts owed and in fact, their cash balance alone in the DLF can satisfy their debt.

G. The Chapter 11 Case

174. On October 10, 2020 (the "Petition Date"), the Diocese commenced a voluntary case under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code") in this Court.

175. The Diocese's commencement of the above-captioned bankruptcy case as of the Petition Date created an "estate" as defined pursuant to 11 U.S.C. § 541(a).

176. Upon information and belief, the Diocese sought relief under Chapter 11 of the Bankruptcy Code in response to multiple sexual abuse actions filed by the survivors of such abuse,

in order to obtain leverage over the victims and to hide financial resources owned and controlled by the Diocese from the survivors.

177. The Non-Debtors are not legal entities separate from or independent from the Diocese, but rather are merely operating divisions and/or corporate formalities designed to shield assets from creditors of the Diocese.

178. The balance in the DLF is under the Diocese's complete control. The DLF is property belonging to the Diocese and should be scheduled as property of the estate.

179. An actual controversy exists concerning whether the DLF is an asset of the estate.

180. On December 31, 2020, the Debtor filed a proposed *Plan of Reorganization* [Dkt. 306], and on March 6, 2021, the Debtor filed a *First Amended Plan of Reorganization* [Dkt. 498] (the "Proposed Plan").

181. Pursuant to the Proposed Plan, the Non-Debtors are each a "Covered Party," and therefore any "Channeled Claim" will be subject to the "Channeling Injunction," (each as defined in the Plan) to permanently enjoin, among other things, abuse survivors from bringing claims against the Non-Debtors.

CAUSES OF ACTION

COUNT ONE

Declaratory Relief: Substantive Consolidation

182. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

183. Prior to the Petition Date, parties dealt with the Defendants as a single institution.

184. The Defendants are mere instrumentalities of one another, and the Non-Debtors have no separate existence apart from the Diocese. The Diocese's affairs are so entangled with those of the Non-Debtors that substantive consolidation of the Diocese and Non-Debtors will

benefit all of the Debtor's creditors including, but not limited to, the survivors of sexual abuse which are the Committee's constituents (the "Survivor Claimants").

185. The separateness of the Defendants was disregarded so significantly prior to the Petition Date that creditors relied on the breakdown of entity borders and treated them as one legal entity.

186. The time and expense necessary to attempt to unscramble the entanglement of the Debtor's affairs with that of the Non-Debtors is so substantial that no accurate identification and allocation of assets is possible in the absence of substantive consolidation.

187. No harm will come to the Defendants should this Court enter an order of substantive consolidation because these entities are already so entirely entangled.

188. Substantive consolidation will allow a truly equitable distribution of assets among the Debtor's creditors by treating the Non-Debtors and the Diocese as a single economic unit.

189. If the Defendants are not substantively consolidated, the Diocese and Non-Debtors will each receive a windfall at the expense of creditors of the Diocese, including the Survivor Claimants.

190. A dispute exists as to whether the Non-Debtors have identities separate from that of the Diocese and whether the Diocese's affairs are so entangled with those of the Non-Debtors.

191. Wherefore, the Committee respectfully seeks entry of an order of this Court ordering substantive consolidation, *nunc pro tunc*, of the Debtor's estate with the Non-Debtors effective as of October 1, 2020.

COUNT TWO

Declaratory Relief: Alter Ego (the Defendants constitute a single entity)

192. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

193. Through the Bishop and with the assistance of other high-level management personnel of the Diocese, the Diocese exercised such a high degree of domination and control over the Non-Debtors that the Non-Debtors have no separate existence but rather operate as a single entity and enterprise.

194. There is a unity of interest and ownership between the Defendants such that the separate personalities of the corporations and the owners no longer exist.

195. The Non-Debtors are mere instrumentalities, agents, and/or alter egos of the Diocese that have no legal existence or purpose separate and distinct from the Diocese.

196. The Diocese is attempting to use its bankruptcy filing to obtain a litigation advantage over its abuse survivors and to place assets it owns and controls beyond the reach of the abuse survivors but still within the Diocese's reach and control.

197. Under these circumstances, it would be unfair and inequitable to treat the Non-Debtors as separate entities from the Debtor.

198. To adhere to the doctrine of the corporate entity would promise injustice and/or protect fraud.

199. Wherefore, the Committee respectfully seeks entry of an order declaring that the Non-Debtors are mere instrumentalities, agents, and/or alter egos of the Diocese and that the Defendants are a single legal entity.

COUNT THREE

Declaratory Relief: No valid trust exists with respect to the DLF

200. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

201. The Diocese contends that the funds in the DLF are held by the Diocese for the benefit of the Non-Debtors.

202. The Diocese further contends that the funds allegedly held in the DLF do not constitute property of the Diocese's estate.

203. The Committee, on the other hand, contends that no valid trust exists with respect to any of the assets held by the Diocese in the DLF.

204. The Committee contends that neither the Diocese nor the Non-Debtors intended that any funds in the DLF were to be held in trust by the Diocese for the benefit of the Non-Debtors but rather for the benefit of the Diocese.

205. The Committee further contends that both the legal and beneficial interest in the DLF, and all of the funds and assets therein, are property of the Diocese's estate, free and clear of the interests of any other person or entity.

206. An actual, justiciable controversy exists as to whether the DLF, and all of the funds therein, are (as the Diocese contends) held in trust by the Diocese for the benefit of the Non-Debtors or are (as the Committee contends) owned by the Diocese and constitute property of the Diocese's estate.

207. Wherefore, the Committee respectfully seeks entry of an order declaring that the funds in the DLF are not held in trust by the Diocese for the benefit of the Non-Debtors, and that the DLF, and all of the funds therein, constitute property of the Diocese's estate.

COUNT FOUR

Declaratory Relief: Diocese owns all legal and equitable interest in the DLF

208. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

209. Under the doctrine of merger, a valid trust cannot exist where the legal interest in the alleged trust assets and the beneficial interest in the alleged trust assets are held by the same entity.

210. As set forth above, the Committee alleges that the Diocese and the Non-Debtors constitute a single legal entity.

211. Therefore, the legal interest in the alleged trust assets (purportedly held by the Diocese) and the beneficial interest in the alleged trust assets (purportedly held by the Non-Debtors) are identical and held by the same legal entity.

212. As a result, no express or resulting trust as alleged by the Diocese can exist with respect to the assets in the DLF.

213. The Diocese contends that the Non-Debtors are separate from the Diocese, and that the Diocese holds the assets in the DLF in trust for the Non-Debtors.

214. An actual, justiciable controversy exists as to whether the legal and beneficial interest in the alleged trust is held by the same legal entity, such that the alleged trust is void.

215. Wherefore, the Committee respectfully seeks entry of an order declaring that the assets in the DLF are not held in trust by the Diocese for the benefit of the Non-Debtors, and that the DLF, and all of the funds therein, constitute property of the Diocese's estate.

COUNT FIVE

Declaratory Relief: The DLF is property of the Debtor's estate

216. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

217. The Diocese operationally and financially controls the Non-Debtors.

218. The funds held in the DLF are controlled by Diocese and used solely for the Diocese's benefit.

219. The DLF is property of the Diocese's estate, free and clear of all liens, claims, and encumbrances.

220. A dispute exists as to whether the DLF constitutes property of the estate.

221. Therefore, the Committee respectfully seeks an order of this Court declaring that the DLF is property of the Debtor's estate.

COUNT SIX

Declaratory Relief: Funds deposited into the DLF are untraceable

222. The Committee repeats and realleges each of the allegations set forth above and below as if fully set forth herein.

223. The Diocese contends that funds deposited into the DLF are readily identifiable.

224. The Committee contends that the Non-Debtors' funds are comingled with other alleged funds of the Diocese, the other Non-Debtors, and other non-debtor affiliates of the Diocese and cannot be adequately traced.

225. Therefore, even if an express or resulting trust is found to exist, the DLF, and all of the funds therein, constitute property of the Diocese's estate.

226. An actual, justiciable controversy exists as to whether the Diocese can meet its burden to prove that the funds deposited into the DLF, and comingled with the other alleged funds of the Diocese, can be traced to the assets of the individual Non-Debtors.

227. Wherefore, the Committee respectfully seeks entry of an order declaring that that the DLF, and all of the funds and assets therein, constitutes property of the Diocese's estate.

Dated: October 12, 2021

LOWENSTEIN SANDLER LLP

/s/ Jeffrey D. Prol

Jeffrey D. Prol, Esq.

Michael A. Kaplan, Esq.

Colleen Maker, Esq.

One Lowenstein Drive

Roseland, NJ 07068

Telephone: (973) 597-2500

Facsimile: (973) 597-2400

Email: jprol@lowenstein.com

Email: mkaplan@lowenstein.com

Email: cmaker@lowenstein.com

*Counsel to the Official Committee of Tort
Claimant Creditors*

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

In the matter of:

THE DIOCESE OF CAMDEN, NEW JERSEY,
Debtor

Case No. 20-21257 (JNP)

OFFICIAL COMMITTEE OF TORT CLAIMANT
CREDITORS OF THE DIOCESE OF CAMDEN,
NEW JERSEY

Adversary No. 21-

Plaintiff(s)

Judge: Jerrold N. Poslusny

v.

THE DIOCESE OF CAMDEN, NEW JERSEY;
CATHEDRAL OF THE IMMACULATE
CONCEPTION; CATHOLIC COMMUNITY OF
CHRIST OUR LIGHT; CHRIST THE GOOD
SHEPHERD PARISH; CHURCH OF CHRIST THE
KING; CHRIST THE REDEEMER PARISH;
DIVINE MERCY PARISH; HOLY ANGELS
PARISH; HOLY CHILD PARISH; PARISH OF
THE HOLY CROSS; HOLY EUCHARIST
PARISH; CHURCH OF THE HOLY FAMILY;
CATHOLIC COMMUNITY OF THE HOLY
SPIRIT; HOLY TRINITY PARISH; R.C. CHURCH
OF THE INCARNATION; INFANT JESUS
PARISH; MARY, MOTHER OF MERCY PARISH;
MARY, QUEEN OF ALL SAINTS PARISH;
MOST PRECIOUS BLOOD PARISH; NOTRE
DAME DE LA MER PARISH; OUR LADY OF
THE ANGELS; OUR LADY OF THE BLESSED
SACRAMENT; OUR LADY OF THE LAKES;
OUR LADY, STAR OF THE SEA; OUR LADY OF
GUADALUPE PARISH; OUR LADY OF HOPE
PARISH; OUR LADY OF PEACE PARISH; OUR
LADY OF PERPETUAL HELP PARISH; OUR
LADY OF SORROWS; PARISH OF ALL SAINTS;
CHURCH OF THE SACRED HEART; ST.
ANDREW THE APOSTLE'S R.C. CHURCH; ST.
BRENDAN THE NAVIGATOR PARISH; ST.
BRIDGET CATHOLIC CHURCH; CHURCH OF
ST. CHARLES BORROMEIO; ST. CLARE OF
ASSISI PARISH; ST. DAMIEN PARISH; ST.
ELIZABETH ANN SETON; ST. GABRIEL THE
ARCHANGEL PARISH; ST. GIANNA BERETTA
MOLLA PARISH; ST. JOACHIM PARISH;
PARISH OF ST. JOHN NEUMANN; ST.
JOSEPH'S CATHOLIC CHURCH, SEA ISLE; ST.
JOSEPH'S CHURCH, SOMERS POINT; ST.
JOSEPH PRO-CATHEDRAL; ST. JOSEPH THE
WORKER PARISH; CHURCH OF ST.
KATHARINE DREXEL; ST. MARY'S R.C.
CHURCH; ST. MARY'S CHURCH; ST. MARY OF
MOUNT CARMEL PARISH; PARISH OF ST.
MAXIMILIAN KOLBE; PARISH OF ST.
MICHAEL THE ARCHANGEL; PARISH OF ST.
MONICA; ST. PADRE PIO; ST. PETER,
MERCHANTVILLE, N.J. PARISH; CHURCH OF
ST. ROSE OF LIMA; ST. SIMON STOCK

PARISH; ST. STEPHEN'S R.C. CHURCH; ST.
TERESA OF CALCUTTA PARISH; ST.
THOMAS' CATHOLIC CHURCH; CHURCH OF
ST. THOMAS MOORE; ST. VINCENT DE PAUL
PARISH; CHURCH OF SAINTS PETER AND
PAUL; MATER ECCLESIAE CHAPEL, INC.;
SAINT YI YUN II CHERRY HILL KOREAN
CATHOLIC MISSION, INC.; SAINT ANDREW
KIM KOREAN CATHOLIC MISSION, INC.;
PADRE PIO SHRINE BUENA BOROUGH, N.J.,
INC.; HOLY SPIRIT HIGH SCHOOL; CAMDEN
CATHOLIC HIGH SCHOOL; POPE PAUL VI
HIGH SCHOOL; BISHOP JAMES T. MCHUGH
REGIONAL SCHOOL; ST. JOSEPH CHILD
DEVELOPMENT CENTER, INC

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk	U.S. Bankruptcy Court Mitchell H. Cohen U.S. Courthouse 400 Cooper Street Camden, NJ 08101
------------------	---

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorneys.

Name and Address of Plaintiff's Attorneys: Jeffrey D. Prol, Esq., Michael A. Kaplan, Esq., Colleen Maker, Esq. Lowenstein Sandler LLP One Lowenstein Drive, Roseland, NJ 07068

If you make a motion, your time to answer is governed by Fed.R.Bankr.P. 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Address: U.S. Bankruptcy Court Mitchell H. Cohen U.S. Courthouse 400 Cooper Street, 4 th Floor Camden, NJ 08101	Courtroom: 4C
	Date and Time:

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR
CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY
DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

Jeanne A. Naughton, Clerk

Date

By: _____
Clerk

rev. 1/4/17

Pursuant to D.N.J. LBR 9019-2, Mediation: Procedures, there is a presumption of mediation in all adversary proceedings. For more information regarding the mediation program see the related Local Rules and forms on the Court's web site: njb.uscourts.gov/mediation.