

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION**

In re: The Norwich Roman Catholic Diocesan Corporation, Debtor.	Chapter 11 Case No. 21-20687 (JJT)
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**ORDER DIRECTING PARTIES TO CHAPTER 11 PLAN MEDIATION
AND APPOINTING HON. JOAN N. FEENEY (RET.) AS MEDIATOR**

Under D. Conn. Bankr. L.R. 9019-2(a), the Court hereby orders the Norwich Roman Catholic Diocesan Corporation (“Debtor”), the Official Committee of Unsecured Creditors (“Committee”), the Catholic Mutual Relief Society of America, Hon. Michael R. Hogan, the Association of Parishes, Xavier High School Corporation of Middletown, Saint Bernard School, Mercy High School Corporation, the Oceania Province of the Congregation of Christian Brothers, and any other Participating Party (as that term has been defined in prior proposed plans in this case), and the United States Trustee (with the aforementioned parties, “Parties”) to convene to mediate the disputes concerning the competing Chapter 11 Plans proposed by the Committee (ECF No. 1780) and the Debtor (ECF No. 1821).

The Court recognizes that material differences have arisen in the parties’ legal assessment regarding proposed plan provisions in the wake of *Harrington v. Purdue Pharma L.P.* and the prospects for imminent Plan confirmation. The dynamics among the Parties, once largely consensual when joint plans were being

proposed, appear now to be fractured. Although a global settlement may remain elusive, the Court believes that mediation will likely set the Parties on the path to resolution of their disputes. Accordingly, it is hereby

ORDERED: The Court hereby appoints the Hon. Joan N. Feeney, retired United States Bankruptcy Judge, of JAMS as Mediator; and it is further

ORDERED: The Parties are referred to the Mediator for non-binding mediation for a period of one-week (to be measured from the date of the first mediation session); and it is further

ORDERED: Counsel for the Parties are directed to immediately contact the Mediator after September 17, 2024, by telephone at (800) 352-5267 to schedule an initial mediation organizing session; and it is further

ORDERED: The Parties shall participate in any mediation session(s) in good faith; and it is further

ORDERED: Substantive mediation sessions shall be held in person at such locale(s) approved by the Mediator in Bridgeport, CT, New York, NY, or Boston, MA; and it is further

ORDERED: The Mediator, upon periodic billing, shall be compensated at the hourly rate of \$725; and it is further

ORDERED: To the extent practicable, the Mediator shall bill the Debtor for 100% of her fees and expenses incurred herein, which invoice shall be paid by the Debtor within thirty (30) days after actual receipt thereof by the Debtor; and it is further

ORDERED: The Mediator shall submit invoices to all parties-in-interest by filing an appropriately redacted copy of each invoice on the docket in this matter, which invoice shall be paid as provided above; and it is further

ORDERED: If any party-in-interest objects to such fees, such party shall attempt to first resolve such dispute with the Mediator and, if such dispute or objection cannot or is not resolved by agreement, the Mediator or party in interest may request a hearing, but if no such objection is made, the Debtor is authorized to pay the invoice in accordance with this order and without further hearing; and it is further

ORDERED: The Mediator may meet in private conference with any subset of the Parties and their counsel, including on an ex parte basis, and, at her discretion, conduct the mediation follow-up sessions in person, via video conference, via audio conference, or any combination of those means; and it is hereby

ORDERED: The Mediator shall preside over any mediation sessions with full authority to determine the nature and order of the Parties' presentations, and the rules of evidence shall not apply; and it is further

ORDERED: An individual with final authority to settle the controversies and bind each Party shall attend the mediation on behalf of each Party; and it is further

ORDERED: Information obtained by the Mediator, either in written or oral form, shall be CONFIDENTIAL and shall not be revealed by the Mediator unless and until the Party who provided that information agrees to its disclosure; and its further

ORDERED: The Mediator shall not, without the prior written consent of all the Parties, disclose to the Court any matters that are disclosed to her by any of the Parties or any matters that otherwise relate to the mediation; and it is further

ORDERED: The mediation shall be considered a settlement negotiation for the purpose of all federal and state laws protecting disclosures made during such conferences from later discovery or use in evidence, and THE ENTIRE MEDIATION SHALL BE CONFIDENTIAL and shall not be recorded in any written or electronic form; and it is further

ORDERED: All communications and conduct, oral and written, during the mediation by any Party or agent, employee, or attorney for a Party are CONFIDENTIAL and, where appropriate, are to be considered work product and privileged, and any such conduct, statements, promises, offers, views, or opinions shall not be subject to discovery or admissible for any purpose, including impeachment, in any litigation or other proceeding involving the Parties, provided, however, that evidence otherwise subject to discovery or admissible is not excluded for discovery or admission in evidence simply as a result of having been used in connection with this mediation process; and it is further

ORDERED: No Party may (1) call or subpoena the Mediator as a witness or expert in any proceedings related to the mediation or its subject matter, (2) subpoena any notes, documents, or other material prepared by the Mediator in the course of or in connection with the mediation; or (3) offer in evidence any statements, views, or opinions of the Mediator; and it is further

ORDERED: The Mediator and any agents shall have absolute judicial immunity as provided under applicable state and federal laws, including the common law, from liability for any act or omission in connection with the mediation, and from compulsory process to testify or produce documents in connection with the mediation; and it is further

ORDERED: The Mediator is authorized to seek any amendments to this Order during the mediation that the Mediator believes are necessary to facilitate the mediation; and it is further

ORDERED: That any settlement in principle achieved by this mediation shall immediately be evidenced by the filing of a Notice of Settlement, subject to the endorsement and prompt filing of definitive settlement documents, including, as appropriate, an amended joint plan or a motion to compromise under Fed. R. Bankr. P. 9019; and it is further

ORDERED: At the conclusion of mediation, the Mediator shall file a summary report indicating whether the Parties complied with these procedures and participated in good faith and whether a settlement has been reached; and it is further

ORDERED: Any noncompliance with this Order may result in sanctions for the noncompliant Party; and it is further

ORDERED: Failure to achieve settlement alone cannot constitute grounds for a finding of bad faith or imposition of sanctions; and it is further

ORDERED: Any further proceedings on the Committee's or Debtor's plans or disclosure statements are temporarily stayed pending a status conference within a week of the final mediation session and further order of this Court.

IT IS SO ORDERED at Hartford, Connecticut this 11th day of September 2024.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut