

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

In Re:

Case No. 11-20059-svk

ARCHDIOCESE OF MILWAUKEE,

Chapter 11

Debtor.

Hon. Susan V. Kelley

**ORDER AUTHORIZING SPECIAL CONFIDENTIALITY PROCEDURES TO
PROTECT VICTIMS/SURVIVORS**

Upon the Motion (the “Motion”)¹ of Archdiocese of Milwaukee, as debtor and debtor-in-possession (the “Debtor”), for entry of an order authorizing special confidentiality procedures to protect victims/survivors and related relief; and it appearing that the relief requested is in the best interest of the Debtor’s estate, its creditors, and other parties in interest;

¹ All capitalized terms not defined herein shall have the same meaning ascribed to them in the Motion.

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and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding and the Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion and the opportunity for a hearing on the Motion was appropriate under the particular circumstances and that no other or further notice need be given; and after due deliberation and sufficient cause appearing therefore;

It is hereby ordered:

1. The Motion is GRANTED as set forth herein.
2. The confidentiality and notice procedures are approved as follows:

Confidentiality Procedures and Types of Notice Requested with Respect to All Victims/Survivors

3. The Debtor may omit all Victims/Survivors from the Master Mailing List (the "Matrix") and Schedule F.
4. Upon written request from any Victim/Survivor the Debtor will add that individual to the Matrix and Schedule F and direct Kurtzman Carson Consultants, LLC ("KCC"), the Court-appointed noticing agent, to send notices in the same manner as notices are sent to other creditors in accordance with the Bankruptcy Rules, the Local Rules, and the Case Management Order.
5. If the Debtor or Debtor's counsel does not receive written notice requesting more notices, the Debtor will follow a limited notice procedure. All Victims/Survivors or their designated representatives will automatically receive the following notices in this Reorganization Case (the "Critical Notices"):
 - a. notice of the commencement of the Reorganization Case;

- b. notice of any motions to dismiss the Reorganization Case;
- c. notice of the claims bar dates;
- d. notice of hearing on adequacy of disclosure statement;
- e. the plan of reorganization and disclosure statement solicitation package (including ballots);
- f. notice of any special § 341 type meeting of Victims/Survivors scheduled by the U.S. Trustee in this Reorganization Case;
- g. notices of motions under section 363 of the Bankruptcy Code relating to property worth more than \$1 million or any motion related to the buyback of insurance; and
- h. notice of final applications for compensation by professionals.

The Victims/Survivors will also receive notices of any other pleadings for which the Court so orders. Instead of serving the Victims/Survivors with the same notices received by other parties in the Reorganization Case (the “General Notices”), the Debtor may serve Victims/Survivors with summary notices (the “Summary Notices”) that focuses on likely Victims’/Survivors’ concerns, but each Summary Notice shall contain the caption of the corresponding General Notice and a link or website address where the Victim/Survivor can without cost view the General Notice.

6. Any Victim/Survivor that does not wish to receive the Critical Notices and who in writing requests that the Critical Notices not be served, will have his/her request honored by the Debtor, except that the following Critical Notices must be served on all Victims/Survivors (the “Mandatory Notices”):

- a. Notice of Filing;
- b. notice of any motions to dismiss the reorganization case;
- c. notice of the claims bar dates; and
- d. the plan of reorganization and disclosure statement solicitation package (including ballots).

7. Any Victim/Survivor that wishes to receive all filings in the Debtor's Reorganization Case but wants to have his/her identity remain confidential can contact counsel for the Debtor (or have his/her counsel do so) and arrange for notice in any manner that is acceptable to the Victim/Survivor and the Debtor.

8. Unless a Victim/Survivor requests to be added to the Matrix or Schedule F, the Debtor need not add a Victim/Survivor to the Matrix or Schedule F.

9. The Debtor shall mail the Notice of Filing to the Victims/Survivors and post the Notice of Filing (or a link to the Notice of Filing) on the Archdiocese's website and the website maintained by KCC (KCCLLC.net/archmil).

Service/Delivery Procedures and Reporting Procedures Requested with Respect to Settled Victims/Survivors and In-Settlement Victims/Survivors

10. The Debtor may deliver notices to Settled Victims/Survivors and In-Settlement Victims/Survivors in the manner and with the same protection procedures as documents are delivered to the Settled Victims/Survivors and In-Settlement Victims/Survivors in connection with the Archdiocese's out of court Mediation Program. This means notices will be served on Settled Victims/Survivors and In-Settlement Victims/Survivors through Professor Soeka or Dr. Barbara Anne Cusack, Chancellor for the Archdiocese, or Dr. Cusack's designee (collectively the "Proxies").

11. Prior to providing notices to the Settled Victims/Survivors and In-Settlement Victims/Survivors the Proxies must agree in writing to provide notices to Settled Victims/Survivors and In-Settlement Victims/Survivors, to keep the identities of the Victims/Survivors Confidential, and to provide an affidavit or certificate of service to the Debtor for documents served on the Settled Victims/Survivors and In-Settlement Victims/Survivors.

For the avoidance of doubt, affidavits or certificates of service provided by the Proxies to the Debtor shall not be filed in the Reorganization Case.

12. The Debtor is granted relief from the requirements to fully complete section 3b of the Statement of Financial Affairs, which obligates a debtor to identify each transfer of more than \$5,850 made to a creditor within ninety (90) days immediately preceding the Petition Date. Three (3) In-Settlement Victims/Survivors received payments in excess of \$5,850 in the ninety (90) days prior to the Petition Date and those payments were for a total of approximately \$44,000. The Debtor is permitted to list only the number of Victims/Survivors who have received payments in the ninety (90) days prior to the Petition Date in excess of \$5,850, and the aggregate amount of payments made to these In-Settlement Victims/Survivors, instead of listing the name of each Victim/Survivor that received such a payment and the amount of each payment.

Service/Delivery Procedures Requested with Respect to Represented Claimants

13. To protect the Represented Claimants' identities, the Debtor may serve all notices which the Debtor would otherwise serve on the Represented Claimants by serving their attorneys. Attorneys for the Represented Claimants shall provide the Represented Claimants they represent with all Critical Notices, or the Mandatory Notices if the Represented Claimant has informed the Debtor he/she does not wish to receive all of the Critical Notices, as well as any other pleadings that the Represented Claimants request from their attorneys, or that their attorneys believe they should review.

14. Prior to providing notices to the Represented Claimants they represent, attorneys must agree in writing to provide an affidavit or certificate of service to the Debtor for documents served on the Represented Claimants. For the avoidance of doubt, affidavits or certificates of service provided to the Debtor by attorneys for the Represented Claimants shall not be filed in the Reorganization Case.

15. If the attorney for any Represented Claimant fails to agree in writing to provide an affidavit or certificate of service to the Debtor for documents served on Represented Claimants, the Debtor shall serve the Represented Claimants directly by mail and will file an affidavit or certificate of service with the names of the Represented Claimants redacted.

Service/Delivery Requested with Respect to the Unrepresented Claimants

16. In an effort to protect the Unrepresented Claimants' identities, the Debtor may serve all notices which the Debtor would otherwise serve on the Unrepresented Claimants, instead through the Proxies, with the same requirements for confidentiality and affidavits or certificates of service as found in paragraphs 10 and 11 of this Order.

Affidavits or Certificates of Service to Be Filed With the Court

17. The Debtor is responsible for filing an affidavit or certificate of service for all pleadings served on Victims/Survivors in the Reorganization Case and to keep a log of which pleadings have been served on Victims/Survivors in accordance with this Motion. The Debtor may rely on the affidavits or certificates of service provided by the Proxies and attorneys for any Represented Claimants, in preparing any affidavits or certificates of service it files in this Reorganization Case. The affidavits or certificates of service filed by the Debtor shall indicate whether the Proxies and attorneys for any Represented Claimants informed the Debtor that service of a notice was accomplished, but the affidavits or certificates of service will not list the names of any Victims/Survivors served.

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