

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND**

In re:

ROMAN CATHOLIC ARCHBISHOP OF  
BALTIMORE,

Debtor.<sup>1</sup>

Chapter 11

Case No. 23-16969-MMH

**JOINT REQUEST FOR MEDIATION**

The Roman Catholic Archbishop of Baltimore, the debtor and debtor in possession (the “*Debtor*”) in the above-captioned chapter 11 case (the “*Chapter 11 Case*”) and the Official Committee of Unsecured Creditors (the “*Committee*”), by and through their respective undersigned counsel, jointly file this request (this “*Request*”), pursuant to section 105(a) of title 11 of the United States Code (the “*Bankruptcy Code*”) and Local Bankruptcy Rule 9019-2, seeking the Court’s (a) assignment to mediation of certain disputes regarding matters affecting the rights of constituents of the Official Committee of Unsecured Creditors in this case (the “*Committee*”), (b) appointing the Honorable Robert J. Faris and Mr. Brian J. Nash as co-mediators, and (c) granting such other and further relief. In support of this request, the Debtor and Committee respectfully state:

**BACKGROUND**

1. On September 29, 2023 (the “*Petition Date*”), the Debtor commenced the Chapter 11 Case. The Debtor is operating its business and managing its property as a debtor in possession, pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. The Committee was

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<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 1535. The Debtor’s principal place of business is located at 320 Cathedral Street, Baltimore, Maryland 21201.

appointed on October 11, 2023 (Dkt. No. 81). No request for the appointment of a trustee or examiner has been made in the Chapter 11 Case.

2. A description of the Debtor's history, business operations, operational structure, the reasons for commencing the Chapter 11 Case, the relief sought from the Court, and the facts and circumstances supporting this Motion are set forth in the *Informational Brief of the Roman Catholic Archbishop of Baltimore* (Dkt. No. 5) and the *Declaration of John Matera in Support of First Day Motions* (Dkt. No. 6).

3. On January 16, 2024, this Court entered the *Order (I) Establishing Deadlines for Filing Proofs of Claim; (II) Approving Sexual Abuse Claim Supplement; (III) Approving Form and Manner of Notice; and (IV) Approving Confidentiality Procedures* (Dkt. No. 316), which, among other things, established procedures and a deadline for filing proofs of claim by claimants asserting claims arising from sexual abuse (such claims, "*Survivor Claims*").

4. On March 28, 2024, the Debtor commenced an adversary proceeding captioned *Roman Catholic Archbishop of Baltimore, et al. v. American Casualty Company of Reading, Pennsylvania, et al.*, Adv. Pro. No. 24-00072(MMH) (the "*Insurer Adversary Proceeding*") in this Court by filing a Complaint against certain insurance carriers that are more fully described in the Insurer Adversary Proceeding (as more fully described in the Insurance Adversary Proceeding, the "*Insurers*").

#### **BASIS FOR REQUEST**

5. The Debtor and Committee expect to have a series of contested matters relating to and arising out of the treatment of claims asserted by constituents of the Committee under any plan of reorganization to be filed in this case.

6. Section 105(a) of the Bankruptcy Code empowers bankruptcy courts to "issue any order, process or judgment that is necessary or appropriate to carry out the provisions of [the

Bankruptcy Code].” 11 U.S.C. § 105(a). “Though section 105(a) does not give the bankruptcy court carte blanche—the court cannot, for example, take an action prohibited by another provision of the Bankruptcy Code—it grants the extensive equitable powers that bankruptcy courts need in order to be able to perform their statutory duties.” *In re Caesars Entertainment Operating Co., Inc.*, 808 F.3d 1186, 1188 (7th Cir. 2015) (internal citations omitted).

7. In addition, pursuant to LBR 9019-2 and as further detailed in Appendix G to this Court’s Local Rules, this Court has established a Bankruptcy Dispute Resolution Program (the “*BDRP*”), which is available for, among other things, contested matters and other disputes in a bankruptcy case with a few inapplicable exceptions. *See* LBR 9019-2; LBR Appendix G.

8. Each of the Debtor and Committee submits that numerous disputes exist and are likely to otherwise arise between the Debtor and Committee relating to the viability and treatment of Survivor Claims and the form of any plan of reorganization to be proposed and ultimately confirmed in this bankruptcy case.<sup>2</sup>

9. Permitting the Debtor and the Committee to concentrate their efforts and resources on mediation will work to minimize the litigation expenses of the Debtor and the Committee.

10. Accordingly, each of the Debtor and Committee submit that such disputes may and should be submitted to mediation, pursuant to and in accordance with section 105(a) of the Bankruptcy Code, LBR 9019-2, and Appendix G to this Court’s Local Rules.

11. Similarly, each of the Debtor and Committee request that this Court appoint the Hon. Robert J. Faris and Mr. Brian J. Nash as co-mediators.<sup>3</sup>

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<sup>2</sup> By separate motion to be filed at a later date in the Insurance Adversary Proceeding, the Debtor anticipates filing a motion with the Committee and Insurers seeking to refer to mediation the claims set forth in the Insurance Adversary Proceeding.

<sup>3</sup> As set forth above, by separate future motion, the Debtor anticipates filing a motion with the Committee and Insurers seeking to refer to mediation the claims set forth in the Insurance Adversary Proceeding, which mediation may utilize the same proposed mediators.

12. The Honorable Robert J. Faris is a sitting bankruptcy judge in the District of Hawaii and recently served as mediator in the successful resolution of the Archbishop of Agaña's chapter 11 bankruptcy case (No. 19-00010, Bankr. D. Guam).

13. Mr. Brian J. Nash has been a practicing attorney since 1975 and been involved in mediating more than two thousand cases involving claims of medical negligence and sexual abuse. A copy of Mr. Nash's resume is attached to this Request as **Exhibit B**.

14. Each of the Debtor and Committee believe the foregoing mediators are more than qualified to mediate the various issues between the Debtor and Committee.

15. Accordingly, each of the Debtor and Committee request that this Court appoint each as co-mediators for the disputes between the Debtor and Committee relating to the treatment of Survivor Claims and the form of any plan of reorganization to be proposed and ultimately confirmed in this bankruptcy case.<sup>4</sup>

#### **NOTICE**

16. The Debtor has provided notice of the filing of this Request to: (i) the Office of the United States Trustee for the District of Maryland; (ii) counsel to the Committee; and (iii) any party that has requested notice pursuant to Bankruptcy Rule 2002. Due to the circumstances surrounding this Request and the nature of the relief in it, the Debtor respectfully submits that no further notice of this Request is required.

#### **WAIVER OF MEMORANDUM OF LAW**

17. Pursuant to Local Bankruptcy Rule 9013-2, and because there are no novel issues of law presented in the Request and all applicable authority is set forth in this Request, the Debtor

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<sup>4</sup> By separate motion to be filed at a later date in the Insurance Adversary Proceeding, the Debtor anticipates filing a motion with the Committee and Insurers seeking to refer to mediation the claims set forth in the Insurance Adversary Proceeding.

and Committee respectfully request that the Court waive the requirement that a motion be accompanied by a separate written memorandum of fact and law.

18. Therefore, the Debtor and Committee respectfully request that the Court enter an order, substantially in the form attached to this Request as **Exhibit A**, directing mediation and granting such further relief as the Court may deem just and proper.

Dated: May 23, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of May 2024, notice of filing the Joint Request for Mediation was served by CM/ECF to those parties listed on the docket as being entitled to such electronic notices, which parties are identified on the attached service list. In addition, Epiq Corporate Restructuring, LLC will cause a true and correct copy of the Motion to be served on all parties required to be served, with a certificate or affidavit of service to be filed subsequently, all in accordance with Local Rule 9013-4.

/s/ Catherine Keller Hopkin  
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**The following parties received  
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