

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA**

IN RE:	§	Case No. 20-10846
	§	
THE ROMAN CATHOLIC CHURCH	§	Section “A”
OF THE ARCHDIOCESE OF NEW	§	
ORLEANS	§	Chapter 11
	§	
Debtor.	§	
	§	

**ORDER CONCERNING COMMUNICATIONS BETWEEN CREDITORS AND
OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

Upon consideration of the *Motion of the Official Committee of Unsecured Creditors for an Order Concerning Communications With Creditors* (Docket #563) (the “Motion”)¹ filed by the Official Committee of Unsecured Creditors (the “Committee”) of the Roman Catholic Church of the Archdiocese of New Orleans (the “Debtor” or “Archdiocese”), and it appearing that the relief requested in the Motion is in the best interests of the Debtor’s estates, their creditors, and all other parties in interest; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that no other or further notice need be provided; and no objections to the Motion having been filed; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is granted.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

2. The Committee shall not be required pursuant to § 1102(b)(3)(A) of the Bankruptcy Code to provide access to any Confidential Information² of the Debtor or any other Entity, to any creditor with a claim of the kind represented by the Committee, except as provided below.

3. The Committee shall not be required pursuant to § 1102(b)(3)(A) of the Bankruptcy Code to provide access to any Privileged Information³ or any Confidential Information of the Committee, to any creditor with a claim of the kind represented by the Committee. Nonetheless, the Committee shall be permitted, but not required, to provide access to Privileged Information or Confidential Information of the Committee, to any party so long as (a) such Privileged Information or Confidential Information is not Confidential Information of the Debtor or any other Entity (other than the Committee), and (b) the relevant privilege or confidentiality is held and controlled solely by the Committee.

4. The Committee shall implement the following protocol for providing access to information for creditors (“Creditor Information Protocol”) in accordance with § 1102(b)(3)(A) and (B) of the Bankruptcy Code.

- a. Privileged and Confidential Information. The Committee shall not be required to disseminate to any entity (all references to “entity” herein shall be as defined in § 101(15) of the Bankruptcy Code, “Entity”): (i) without further order of the Court, Confidential Information and (ii) Privileged Information. In addition, the Committee shall not be required to provide access to information or solicit comments from any Entity that has not demonstrated to the satisfaction of the Committee, in its sole discretion, or to the Court, that it holds claims of the kind described in § 1102(b)(3) of the Bankruptcy Code.

² As set forth in the Motion, “Confidential Information” means information that is asserted to be confidential, non-public and/or proprietary information and includes non-public financial information, trade information and other confidential research, development, marketing, pricing, financial information, or proprietary commercial information, or contains sensitive, private, non-public, or personal information.

³ As set forth in the Motion, “Privileged Information” means any information subject to the attorney-client or some other state, federal, or other jurisdictional law privilege (including attorney-work product), whether such privilege is solely controlled by the Committee or is a joint or common interest privilege with the Debtor or some other party.

- b. Information Obtained Through Discovery. Any information received (formally or informally) by the Committee from any Entity in connection with an examination pursuant to Bankruptcy Rule 2004 or in connection with any formal or informal discovery in any contested matter, adversary proceeding, or other litigation shall not be governed by any order entered with respect to this Motion but, rather, by any order governing such discovery and by the Protective Order.⁴ Nothing herein shall obligate the Committee to provide any information the Committee obtains from third parties.
- c. Creditor Information Requests. If a creditor (the “Requesting Creditor”) submits a written request to the Committee (the “Information Request”) for the Committee to disclose information, pursuant to § 1102(b)(3)(A) of the Bankruptcy Code the Committee shall, as soon as practicable, but no more than thirty (30) days after receipt of the Information Request, provide a response to the Information Request (the “Response”), including providing access to the information requested or the reasons the Information Request cannot be complied with. If the Response is to deny the Information Request because the Committee believes the Information Request implicates Confidential Information or Privileged Information that need not be disclosed (i) pursuant to the terms of this Order or the Protective Order or otherwise under § 1102(b)(3)(A) of the Bankruptcy Code, (ii) because such disclosure is prohibited under applicable law, (iii) because such information was obtained by the Committee pursuant to an agreement to maintain it as confidential, or (iv) that the Information Request is unduly burdensome, the Requesting Creditor may, after a good faith effort to meet and confer with an authorized representative of the Committee regarding the Information Request and the Response, seek to compel such disclosure for cause pursuant to a motion. Such motion shall be served and the hearing on such motion shall be noticed and scheduled. Nothing herein shall be deemed to preclude the Requesting Creditor from requesting (or the Committee objecting to such request) that the Committee provide the Requesting Creditor a log or other index of any information specifically responsive to the Requesting Creditor’s request that the Committee deems to be Confidential Information or Privileged Information, subject to the requirements of the Protective Order. Furthermore, nothing herein shall be deemed to preclude the Requesting Creditor from requesting that the Court conduct an in camera review.

5. The Committee may establish and maintain a website as described in the Motion which may contain the following information: (i) copies of, or links to, publicly-filed documents deemed to be important by the Committee; (ii) contact information for the Committee and/or Committee professionals; and (iii) summaries or information concerning proceedings, events, or other matters deemed important by the Committee. Nothing in this

⁴ As set forth in the Motion, “Protective Order” means the Protective Order [Docket #305] entered by the Court on August 3, 2020.

Order shall be construed as an approval of the expenses related to such website. The Debtor's agreement to the entry of this Order shall not be construed as an agreement to pay any expenses related to such website. Notwithstanding the request in the Motion, the Committee is not authorized to use the Debtor's logo on such website or on any other communication. Nothing in this Order shall expand, restrict, affirm, or deny the right or obligation, if any, of the Committee to provide access or not to provide access, to any information of the Debtor to any party except as explicitly provided herein. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

6. If requested by any creditor or the Debtor, a creditor may execute and become a party to the Protective Order, but such execution of the Protective Order shall not expand, restrict, affirm, or deny the right or obligation, if any, of the Committee to provide access or not to provide access, to any information of the Debtor to any party except as explicitly provided herein.

7. In the case of any conflict between this Order and the Protective Order, the terms of the Protective Order shall control.

8. This Court shall retain exclusive jurisdiction to interpret and enforce the provisions of this Order in all respects and further to hear and determine all matters arising from the construction and implementation of this Order.

New Orleans, Louisiana, .



MEREDITH S. GRABILL
UNITED STATES BANKRUPTCY JUDGE