

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

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| IN RE: | § | Case No. 20-10846 |
| | § | |
| THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF NEW ORLEANS | § | Section “A” |
| | § | |
| | § | Chapter 11 |
| | § | |
| Debtor.¹ | § | |
| | § | |

**APPLICATION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO
EMPLOY LOCKE LORD LLP AS CO-COUNSEL**

A HEARING WILL BE CONDUCTED ON THIS MATTER ON JULY 16, 2020, AT 1:30 P.M. BY TELEPHONE THROUGH THE DIAL-IN FOR SECTION A 1-888-684-8852; CONFERENCE CODE 9318283. IF YOU OBJECT TO THE RELIEF REQUESTED IN THIS PLEADING, YOU MUST RESPOND IN WRITING. UNLESS DIRECTED OTHERWISE BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT NO LATER THAN SEVEN (7) DAYS BEFORE THE HEARING DATE. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

The Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned case concerning the debtor-in possession The Roman Catholic Church of the Archdiocese of New Orleans (the “Debtor”) files this Application (the “Application”) to employ Locke Lord LLP (“Locke Lord”) as co-counsel pursuant to 11 U.S.C. §§ 328, 330, 503 and 1103 and Federal Rule of Bankruptcy Procedure 2014. In support of this Application, the Committee represents as follows, which is further supported by (i) the declaration of Locke Lord partner C. Davin Boldissar (the “Boldissar Declaration”), and (ii) the declaration of Committee chair James M. Adams (the

¹ The last four digits of the Debtor’s federal tax identification number are 8966. The Debtor’s principal place of business is located at 7887 Walmsley Ave., New Orleans, LA 70125.

“Adams Declaration”), attached hereto as **Exhibit “1”** and **Exhibit “2”** respectively and incorporated herein by reference for all purposes:

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider this Application pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

BACKGROUND

3. On May 1, 2020 (the “Petition Date”), The Roman Catholic Church of the Archdiocese of New Orleans (the “Archdiocese”) filed a voluntary petition for relief under the Bankruptcy Code.

4. The Debtor remains in possession of its property and is managing its business as a debtor in possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code, 11 U.S.C. §101 et. seq.

5. On May 20, 2020, the Office of the United States Trustee for Region 5 (the “U.S. Trustee”) appointed the Committee pursuant to section 1102(a)(1) of the Bankruptcy Code [Docket #94].

6. On May 22, 2020, the Committee conducted its first meeting and at that meeting unanimously selected Locke Lord and Pachulski Stang Ziehl & Jones (“PSZJ”) to serve as co-counsel.

RELIEF REQUESTED

7. The Committee desires to retain Locke Lord as its co-counsel in this case, after determining that Locke Lord has the resources and experience necessary to represent it in the above-captioned bankruptcy case. The proposed form of Order is attached.

8. Locke Lord has substantial experience representing debtors, creditors, trustees and official committees in business reorganization cases. Given the nature of this case, the Committee believes that retention of Locke Lord as its co-counsel is appropriate and necessary.

9. By this Application, the Committee respectfully requests that this Court enter an Order authorizing the Committee to employ and retain Locke Lord as its co-counsel pursuant to §§ 328(a), 330, and 331, and 1103(a) of the Bankruptcy Code.

RETENTION / DIVISION OF RESPONSIBILITIES

10. Locke Lord is expected to render legal services as the Committee may consider desirable to discharge the Committee's statutory and fiduciary responsibilities and further the interest of the Committee's constituents in these Chapter 11 Cases. In addition to acting as the primary spokesperson for the Committee (along with co-counsel PSZJ), it is anticipated that Locke Lord will perform the following services, which include but are not limited to:

- (a) assisting, advising and representing the Committee in its consultations with the Debtor regarding the administration of this Case;
- (b) assisting, advising and representing the Committee in analyzing the Debtor's assets and liabilities, investigating the extent and validity of liens or other interests in the Debtor's property and participating in and reviewing any proposed asset sales, any asset dispositions, financing arrangements and cash collateral stipulations or proceedings;
- (c) reviewing and analyzing all applications, motions, orders, statements of operations and schedules filed with the Court by the Debtor or third parties, advising the Committee as to their propriety, and, after consultation with the Committee, taking appropriate action;
- (d) preparing necessary applications, motions, answers, orders, reports and other legal papers on behalf of the Committee;
- (e) representing the Committee at hearings held before the Court and communicate with the Committee regarding the issues raised, as well as the decisions of the Court;
- (f) performing all other legal services for the Committee which may be necessary and proper in this Case and any related proceeding(s);

(g) representing the Committee in connection with any litigation, disputes or other matters that may arise in connection with this Case or any related proceeding(s);

(h) assisting, advising and representing the Committee in any manner relevant to reviewing and determining the Debtor's rights and obligations under leases and other executory contracts;

(i) assisting, advising and representing the Committee in investigating the acts, conduct, assets, liabilities and financial condition of the Debtor, the Debtor's operations and the desirability of the continuance of any portion of those operations, and any other matters relevant to this Case;

(j) assisting, advising and representing the Committee in their participation in the negotiation, formulation and drafting of a plan of liquidation or reorganization;

(k) assisting, advising and representing the Committee on the issues concerning the appointment of a trustee or examiner under section 1104 of the Bankruptcy Code;

(l) assisting, advising and representing the Committee in understanding its powers and its duties under the Bankruptcy Code and the Bankruptcy Rules and in performing other services as are in the interests of those represented by the Committee;

(m) assisting, advising and representing the Committee in the evaluation of claims and on any litigation matters, including avoidance actions; and

(n) providing such other services to the Committee as may be necessary in this Case or any related proceeding(s).

It is necessary for the Committee to retain counsel to perform these services and to otherwise assist the Committee in fulfilling its statutory duties under the Bankruptcy Code.

11. Because the Committee is retaining two firms as co-counsel, the Committee, Locke Lord, and PSZJ are all cognizant of the need to efficiently organize responsibilities and avoid duplication of efforts and services. While it is anticipated that both firms will work on matters as necessary to advance the Committee's interests, Locke Lord and PSZJ will work to maximize efficiencies in this case and are developing a division of labor to prevent duplication of effort.

12. In addition, the two firms will serve as “conflict counsel” for each other to the extent necessary, and in the event that either potential or actual conflict issues arise.

13. PSZJ will file a separate application for employment by the Committee.

DISINTERESTEDNESS

15. As set forth in Boldissar Declaration, Locke Lord is a “disinterested person” as that term is defined in section 101(14) of the Bankruptcy Code, as modified by section 1107(b) of the Bankruptcy Code.

16. To the best of the Committee’s and Locke Lord’s knowledge and based upon the Boldissar Declaration, Locke Lord does not hold or represent an interest adverse to the Debtor or its estate, in accordance with section 327 of the Bankruptcy Code.

17. To the best of the Committee’s and Locke Lord’s knowledge, information and belief and based upon the Boldissar Declaration and as described below: (a) Locke Lord has no connections with the Debtor (other than as set forth herein or in the Boldissar Declaration), creditors of the Debtor, the United States Trustee for the Eastern District of Louisiana (the “U.S. Trustee”), any person employed in the office of the U.S. Trustee or any other party with an actual or potential interest in the chapter 11 case or their respective attorneys or accountants; (b) Locke Lord is not a creditor, equity security holder or insider of the Debtor; (c) none of Locke Lord’s partners or associates is, or was within two years of the Petition Date, a director, officer or employee of the Debtor; and (d) Locke Lord neither holds nor represents an interest adverse to the Debtor, its estate or any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with or interest in the Debtor, or for any other reason.

18. The Debtor has disclosed to Locke Lord its list of potentially interested parties. (*See, e.g.,* Docket #76). Locke Lord has used the same list of potentially interested parties and has

reviewed the information provided to determine any prior or present representation of any creditors or parties-in-interest.

19. Locke Lord has represented certain parties set forth on the list of potentially interested parties, all in matters unrelated to the Debtor or this case – and such representations are all set forth in the Boldissar Declaration.

20. In light of the fact that such representations are unrelated to the Debtor and its estate, and in light of the conflict waiver noted above, Locke Lord does not believe that the foregoing creates an interest adverse to the Debtor or the estate, in accordance with section 327 of the Bankruptcy Code.

21. Locke Lord will conduct an ongoing review of its files to ensure that no disqualifying circumstances arise, and if any new relevant facts or relationships are discovered, Locke Lord will supplement its disclosure to the Court.

22. To the extent that Locke Lord becomes aware of a potential conflict, Locke Lord will advise the Court and take appropriate action, including without limitation through use of conflicts counsel, as necessary.

TERMS OF RETENTION

23. Subject to the Court's approval of this Application, Locke Lord intends to (a) charge for its legal services on an hourly basis in accordance with ordinary and customary hourly rates in effect on the date services are rendered (discounted as set forth herein) and (b) seek reimbursement of actual and necessary expenses and other charges that Locke Lord incurs.

24. Locke Lord's hourly rates are set at a level designed to fairly compensate Locke Lord for the work of its attorneys and paralegals and to cover fixed and routine overhead expenses. Hourly rates vary with the experience and seniority of the individuals assigned, and by geographic

location and market. These hourly rates are subject to periodic adjustments to reflect economic and other conditions and are consistent with the rates charged elsewhere. Locke Lord's hourly fees are comparable to those charged by attorneys of similar experience and expertise for engagements of scope and complexity similar to this Chapter 11 case and are reasonable.

25. Due to the unique circumstances of this case, Locke Lord proposes charging hourly rates which are substantially below its regular hourly rates. Locke Lord proposes to cap its rate for attorneys working on the case at \$500 per hour and \$125 for paraprofessionals, and all subject to application and approval by this Court pursuant to Sections 330 and 331 of the Bankruptcy Code. The standard rates for the two Locke Lord attorneys who will primarily work on this matter are \$650 for C. Davin Boldissar and \$960 for Omer F. Kuebel, III. In addition to those attorneys, other Locke Lord attorneys who may provide services include Natalie White, whose proposed rate is \$325, and Bradley Knapp, whose proposed rate is \$425.²

26. Locke Lord will also seek reimbursement for actual and necessary expenses incurred in connection with its engagement by the Committee in these Chapter 11 Cases, which may include, but are not limited to, postage, overnight mail, courier delivery, transportation, overtime expenses, computer assisted legal research, photocopying, outgoing facsimile transmissions, airfare, meals and lodging.

27. Locke Lord intends to maintain detailed, contemporaneous time records and to apply to the Court for the allowance of compensation for professional services and reimbursement of expenses in accordance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and any additional procedures that may be established by the Court in this Chapter 11 Cases.

² Locke Lord's hourly rates are subject to periodic adjustments to reflect economic and other conditions and are consistent with the rates charged elsewhere. Locke Lord reserves the right to request that the proposed rate cap be increased to reflect such periodic adjustments, subject to review and approval under Sections 330 and 331 of the Bankruptcy Code.

Locke Lord has agreed to accept as compensation such sums as may be allowed by the Court. Locke Lord understands that interim and final fee awards are subject to approval by this Court.

28. The Committee understands that Locke Lord hereafter intends to apply to the Court for allowances of compensation and reimbursement of expenses in accordance with the applicable provisions of the Bankruptcy Code, including, but not limited to Sections 330 and 331 of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, and the Guidelines for Professional Compensation established by the Office of the United States Trustee, and further orders of this Court, for all services performed and expenses incurred after the Petition Date. It is further contemplated that Section XIII(B) of the Court's General Order Regarding Procedures for Complex Chapter 11 Cases (Amended as of April 30, 2020) applies.

REQUEST FOR APPROVAL AS OF MAY 22, 2020

31. The Committee requests that Locke Lord's retention be approved as of May 22 2020, which is the date that Locke Lord was retained. Under the Court's General Order Regarding Procedures for Complex Chapter 11 Cases (Amended as of April 30, 2020), *nunc pro tunc* relief is not required unless the application is filed later than thirty (30) days after the commencement of work, and this Application has been filed within thirty days.

NOTICE

32. Notice of this Motion has been provided to the Special Notice List as defined and required under the Court's May 1, 2020 *Ex Parte Order Authorizing the Debtor to Limit Notice and Establishing Notice Procedures* [Docket #22].

NO PRIOR REQUEST

33. No previous request for the relief sought herein has been made by the Committee to this or any other court.

WHEREFORE, the Official Committee of Unsecured Creditors respectfully requests that the Court the proposed order submitted herewith: (a) granting this Application and entering the attached proposed order, (b) authorizing it to retain and employ Locke Lord LLP as of May 22, 2020, and (c) for such other relief as this Court may deem just and proper.

Dated: June 22, 2020

Respectfully submitted,

By: /s/ C. Davin Boldissar

Omer F. Kuebel, III (La #21682)

C. Davin Boldissar (La. #29094)

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*Proposed Co-Counsel to the Official Committee of
Unsecured Creditors*

CERTIFICATE OF SERVICE

I hereby caused a true and correct copy of the foregoing *Application* to be served on June 22, 2020 upon all parties by electronic case filing for those parties receiving notice via the Court's Electronic Case Filing system, and on all other parties requiring service under the Special Notice List as defined and required under the Court's May 1, 2020 *Ex Parte Order Authorizing the Debtor to Limit Notice and Establishing Notice Procedures* via first-class United States mail, postage prepaid, to be sent on June 23, 2020.

/s/ C. Davin Boldissar

C. Davin Boldissar