DANIEL J. GIBBONS
PAINE, HAMBLEN, COFFIN,
BROOKE & MILLER, LLP
717 West Sprague Avenue #1200
Spokane, WA 99201
Tele: (509) 455-6000
Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|---|---|---|
| In re: | ) | |
| | ) | Case No. 04-08822-PCW-11 |
| THE CATHOLIC BISHOP OF SPOKANE a/k/a THE CATHOLIC DIOCESE OF SPOKANE, a Washington corporation sole, | ) | **NOTICE AND OBJECTION TO DUPLICATE CLAIM OF** [redacted] |
| Debtor. | ) | **(CLAIM NO. 125)** |

+

TO: The above named Claimant, and his attorney;

TO: Joseph Shickich, counsel for the Tort Claimants' Committee;

TO: James I. Stang, counsel for Tort Litigants' Committee;

TO: Gayle Bush, Future Claims Representative; and

TO: U.S. Trustee.

The Catholic Bishop of Spokane d/b/a The Catholic Diocese of Spokane (the "Debtor"), hereby objects to claim no. 125 for the reasons set forth below.

All information that could be used to identify the Claimants has been redacted from the copy of this Objection filed with the Court. A copy of the Claimant's confidential claims (both the claim to be retained and the claim to be disallowed and expunged) will be provided to chambers as stated in Section 4 of the Claims Objection Protocol for Confidential Proofs of Claim for Sexual Abuse.

## OBJECTION

Two claims were filed on behalf of the Claimant. The Claimant filed Claim No. 125, and counsel for the Claimant filed Claim No. 129. The name stated in Claim No. 125 is [redacted] and the name specified in Claim No. 129 is [redacted]. Based on information available to the Spokane Diocese, [redacted] goes by the nickname [redacted]. The Debtor requests the Court to disallow and expunge Claim No. 125 only. Claim No. 129 will not be affected by this Objection.[1]

## NOTICE

Notice is hereby given that the Debtor has filed an objection to your Confidential Proof of Claim for Sexual Abuse. You must file a written response with the Clerk of the United States Bankruptcy Court for the Eastern District of

[1] The Debtor reserves the right to object to Claim No. 129 on any and all bases.



*PAINE, HAMBLEN, COFFIN, BROOKE & MILLER LLP*
*717 WEST SPRAGUE AVENUE, SUITE 1200*
*SPOKANE, WA 99201 PHONE: (509) 455-6000*

Washington at 920 Riverside Avenue, Spokane, WA 99201, on or before July 17, 2006, which is thirty-three (33) days of the date of this objection. If you fail to file a timely written response to this objection, the Court may rule on the pleadings filed without oral argument and without further notice to you, and you will be deemed to have consented to such a determination in accordance with LBR 3007-1(b)(1)(B). If you do not file a written response, the Debtor will present the Court with an ex parte order disallowing your Confidential Proof of Claim for Sexual Abuse in its entirety. This means you will not receive any payment or distribution on your Confidential Claim.

The objection and all supporting pleadings have been filed with all information that could used to identify you removed to maintain the confidentiality of your Confidential Claim. To further maintain the confidentiality of your Confidential Claim, your written response will be filed under seal. If any portion of your written response is made publicly available, all information that could be used to identify you will be removed to protect the confidentiality of your Confidential Claim. To file a response under seal you must serve your written response on the Bankruptcy Court by doing the following:



*PAINE, HAMBLEN, COFFIN, BROOKE & MILLER LLP*
*717 WEST SPRAGUE AVENUE, SUITE 1200*
*SPOKANE, WA 99201 PHONE: (509) 455-6000*

1. Place your response, any supporting pleadings, affidavits or declarations in a sealed envelope marked "CONFIDENTIAL MATERIAL-FILED UNDER SEAL".

2. Attach the enclosed cover sheet to the sealed envelope.

3. Place your response (contained in the sealed envelope marked "CONFIDENTIAL MATERIAL - FILED UNDER SEAL") and the enclosed cover sheet in an additional envelope and mail or deliver it to the Bankruptcy Court at the address specified above.

4. Be sure that you mail or deliver your response so that it is received by the Bankruptcy Court no later than July 17, 2006.

5. Responding in writing to the objection is a serious matter and may involve legal issues. You may wish to seek the advice of an attorney if you have questions about your rights and before you make any statements about whether and when you remembered the sexual abuse or made the connection between the sexual abuse and any of your injuries or conditions. Information about finding a lawyer is available on the websites of the Washington State Bar Association, www.wsba.org, the Spokane County Bar Association, www.spokanebar.org, and the King County Bar Association, www.kcba.org. Information about lawyers is



*PAINE, HAMBLEN, COFFIN, BROOKE & MILLER LLP*
*717 WEST SPRAGUE AVENUE, SUITE 1200*
*SPOKANE, WA 99201 PHONE: (509) 455-6000*

also available in the yellow pages of your local telephone directory. If you are a low income person, you may qualify for assistance from a volunteer lawyer. To find out if you qualify, call the Coordinated Legal Education and Referral System at (888) 201-1014.

6. The Bankruptcy Court has appointed a Tort Claimants' Committee and a Tort Litigants' Committee to represent the general legal interests of all who filed Confidential Proofs of Claim. If you **did not file a lawsuit** against the Catholic Diocese of Spokane before December 6, 2004, then your interests are generally represented by the Tort Claimants' Committee, and the lawyer for that Committee is attorney Joe Shickich, at (206) 624 3600. If you **did file a lawsuit** against the Catholic Diocese of Spokane prior to December 6, 2004, then your interests are generally represented by the Tort Litigants' Committee, and the lawyer for the that Committee is attorney James Stang, at (310) 277 6910. Neither the Tort Claimants' Committee nor the Tort Litigants' Committee are affiliated with the Catholic Diocese of Spokane in any way. While the Tort Claimants' Committee and the Tort Litigants' Committee represent the general interests of persons filing Confidential Proofs of Claim, the attorneys for these committees do not represent you individually.



*PAINE, HAMBLEN, COFFIN, BROOKE & MILLER LLP*
*717 WEST SPRAGUE AVENUE, SUITE 1200*
*SPOKANE, WA 99201 PHONE: (509) 455-6000*

DATED this 14th day of June, 2006.

PAINE, HAMBLEN, COFFIN,
BROOKE & MILLER, LLP

By *_/s/ Daniel J. Gibbons_*
Daniel J. Gibbons
Attorneys for the Catholic Bishop of Spokane a/k/a the Catholic Diocese of Spokane

I:\Spodocs\33029\00005\plead\00425334.DOC



*PAINE, HAMBLEN, COFFIN, BROOKE & MILLER LLP*
*717 WEST SPRAGUE AVENUE, SUITE 1200*
*SPOKANE, WA 99201 PHONE: (509) 455-6000*

**CLAIMS OBJECTION PROTOCOL**
**FOR CONFIDENTIAL PROOFS OF CLAIM FOR SEXUAL ABUSE**

Except as expressly modified by this Protocol, the Bankruptcy Code, applicable provisions of Title 28, the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules shall apply to objections relating to Confidential Proofs of Claims for Sexual Abuse ("Confidential Claim").

1. Objections.

1.1 Filing of Objections, Supporting Pleadings and Certificates of Service.

Any objection, supporting affidavits, declarations or other pleadings or certificate of service relating to a Confidential Claim for Sexual Abuse (collectively an "Objection") shall be filed with all information that could be used to identify the claimant or alleged abuser redacted. The Objecting Party shall have discretion in determining what information could be used to identify the claimant or an alleged abuser. But, the religious affiliation or order of the alleged abuser shall not be redacted. The Objecting Party's determination that information must be redacted in order to protect the identity of the claimant or of the alleged abuser shall be subject to challenge by any interested party as described in Section 3 herein. The Objecting Party shall retain an original, unredacted copy of all Objections.

1.2 Contents of Objection.

In addition to the basis for objection and the required notice, the objection shall have a caption which shall contain the following information: (1) claimant's name; and (2) the claim number assigned by the Clerk of the Court and BMC.

1.3 Notice.

The notice required by LBR 3007-1(a) shall read as follows:

NOTICE

Notice is hereby given that the [Objecting Party] has filed an objection to your Confidential Proof of Claim for Sexual Abuse. You must file a written response with the Clerk of the United States Bankruptcy Court for the Eastern District of Washington at 920 Riverside Avenue, Spokane, WA 99201, on or before _____, 2006, which is thirty-three (33) days of the date of this objection. If you fail to file a timely written response to this objection, the Court may rule on the pleadings filed without oral argument and without further notice to you, and you will be deemed to have consented to such a determination in accordance with LBR 3007-1(b)(1)(B). If you do not file a written response, the [Objecting Party] will present the Court with an ex parte order disallowing your Confidential Proof of Claim for Sexual Abuse in its entirety. This means you will not receive any payment or distribution on your Confidential Claim.

The objection and all supporting pleadings have been filed with all information that could used to identify you removed to maintain the confidentiality of your Confidential Claim. To further maintain the confidentiality of your Confidential Claim, your written response will be filed under seal. If any portion of your written response is made publicly available, all information that could be used to identify you will be removed to protect the confidentiality of your Confidential Claim. To file a response under seal you must serve your written response on the Bankruptcy Court by doing the following:

1. Place your response, any supporting pleadings, affidavits or declarations in a sealed envelope marked "CONFIDENTIAL MATERIAL- FILED UNDER SEAL".

2. Attach the enclosed cover sheet to the sealed envelope.

3. Place your response (contained in the sealed envelope marked "CONFIDENTIAL MATERIAL - FILED UNDER SEAL") and the enclosed cover sheet in an additional envelope and mail or deliver it to the Bankruptcy Court at the address specified above.

4. Be sure that you mail or deliver your response so that it is received by the Bankruptcy Court no later than _____, 2006.

5. Responding in writing to the objection is a serious matter and may involve legal issues. You may wish to seek the advice of an attorney if you have questions about your rights and before you make any statements about whether and when you remembered the sexual abuse or made the connection between the sexual abuse and any of your injuries or conditions. Information about finding a lawyer is available on the websites of the Washington State Bar Association, www.wsba.org, the Spokane County Bar Association, www.spokanebar.org, and the King County Bar Association, www.kcba.org. Information about lawyers is also available in the yellow pages of your local telephone directory. If you are a low income person, you may qualify for assistance from a volunteer lawyer. To find out if you qualify, call the Coordinated Legal Education and Referral System at (888) 201-1014.

6. The Bankruptcy Court has appointed a Tort Claimants' Committee and a Tort Litigants' Committee to represent the general legal interests of all who filed Confidential Proofs of Claim. If you **did not file a lawsuit** against the Catholic Diocese of Spokane before December 6, 2004, then your interests are generally represented by the Tort Claimants' Committee, and the lawyer for that Committee is attorney Joe Shickich, at (206) 624 3600. If you **did file a lawsuit** against the Catholic Diocese of Spokane prior to December 6, 2004, then your interests are generally represented by the Tort Litigants' Committee, and the lawyer for the that Committee is attorney James Stang, at (310) 277 6910. Neither the Tort Claimants' Committee nor the Tort Litigants' Committee are affiliated with the Catholic Diocese of Spokane in any way. While the Tort Claimants' Committee and the Tort Litigants' Committee represent the general interests of persons filing Confidential Proofs of Claim, the attorneys for these committees do not represent you individually.

1.4 Service of Objections.

An Objection shall be served on the claimant and the claimant's attorney (if any). In addition, all Objections, including any omnibus Objections, shall be served by the Objecting Party on counsel for the Debtor, counsel for the Tort Claimants' Committee, counsel for the Tort Litigants' Committee, the Future Claims Representative and the U.S. Trustee.

2. Responses.

2.1 Filing of Responses.

A response to an Objection and any supporting pleadings (collectively a "Response") shall be filed under seal and delivered to the Court via hand delivery or U.S. mail pursuant to LBR 5005-1(b)(2) or (b)(3). A Response shall be filed in a sealed envelope in accordance with LBR 9018-1. The envelope shall be marked "CONFIDENTIAL MATERIAL – FILED UNDER SEAL". Pursuant to LBR 9018-1(b) a caption page in the form attached hereto as Exhibit A shall be attached to a Response. The caption page shall not contain the claimant's name. The claim and claimant will be identified only by reference to the claim number assigned by the Clerk of the Court and BMC. Upon receipt of a Response, the Clerk of the Court shall make an original, unredacted copy of the Response available to the Objecting Party.

2.2 Filing of Caption Page.

Upon the filing of a Response, the Clerk will file the caption page. Only the caption page will be shown on the docket.

2.3 Public Disclosure Of Responses.

The Objecting Party may make redacted Responses available to interested parties within a reasonable time after receipt of a Response. Any redacted Response made available to interested parties shall have all information that could be used to identify the claimant redacted and all information that could be used to identify the alleged abuser redacted. The religious affiliation or order of the alleged abuser shall not be redacted. The Objecting Party shall have discretion in the determining what information could be used to identify the claimant or alleged abuser. The Objecting Party's discretion shall include discretion to maintain an entire Response under seal. The Objecting Party's determination to maintain an entire Response under seal or in making specific redactions in order to protect the identity of the claimant or of the alleged abuser shall be subject to challenge by any interested party as described in Paragraph 3 herein.

3. Challenge To Redaction Of Pleadings Related To Confidential Claims.

This Protocol does not affect the rights of interested parties to challenge the Objecting Party's exercise of discretion in redacting pleadings related to Confidential Claims, including Objections, Responses and supporting pleadings thereto, or in maintaining Responses entirely under seal. Any dispute relating to the Objecting Party's exercise of discretion in redacting

information from pleadings or maintaining Responses under seal shall be determined by the Bankruptcy Court.

4. Chamber Copies and Copies to Interested Parties.

The Objecting Party shall provide copies of the Confidential Claim, an original and unredacted Objection and Response (if any) to chambers within thirty-five (35) days of the filing of an Objection. In addition, the Objecting Party shall provide copies of the Objection and Response (if any) to the parties listed in Section 1.4 of this Protocol and, if requested, to any insurance carrier identified in the protocol for sharing confidential proofs of claim for sexual abuse ("POC Sharing Protocol") which was approved on December 1, 2005, when the Court entered its Order 1) Fixing Bar Date for Filing Proofs of Claim; 2) Approving Proof of Claim and Bar Date Notice Forms; and 3) Approving Notice Procedures [Docket No. 883]. Any person who requests and/or receives copies of any Objection or Response shall first execute the Compliance Declaration described in the POC Sharing Protocol and shall be bound by the terms of the POC Sharing Protocol with respect to any Objections, Responses or other documents related thereto. The Objecting Party has no duty or obligation to provide copies of Objections or Responses to a person or party that has not signed a Compliance Declaration.

5. Notice of Hearing.

Upon filing of a Response the Clerk shall set hearing on the Objection. The Clerk shall provide the Objecting Party with notice of the hearing. The notice of hearing shall identify the claimant only by reference to the claim number assigned by the Clerk of the Court and BMC. The Objecting Party shall provide notice of hearing to the claimant and claimant's attorney (if any), counsel for the Debtor, counsel for the Tort Litigants' Committee, counsel for the Tort Claimants' Committee, the Future Claims Representative and the U.S. Trustee. The Objecting Party shall file a certificate of service with all information that could be used to identify the claimant redacted.

6. Proceedings on Confidential Claims.

6.1 Jurisdiction.

Nothing in this protocol affects the right of a any party to challenge the Bankruptcy Court's jurisdiction to resolve an Objection.

6.2 Referral to Bankruptcy Court Upon Consent of the Parties.

The claimant and Objecting Party may consent to determination of disputed factual matters by the Bankruptcy Court pursuant to 28 U.S.C. § 157(c)(2). In the event of such consent, the claimant and Objecting Party shall take such actions as are necessary effectuate the District Court's referral of the matter to the Bankruptcy Court.

6.3 References to Claimants During Hearings.

All references to the claimant on the docket, in minute entries and in the record of proceedings shall be made by referring to the claimant as "Claimant" and by reference to the claim number assigned by the Clerk of the Court and BMC. The claimant's name shall not be used.

7. Demand for Adversary Proceeding.

In the event any party makes a demand for an adversary proceeding, or joins such demand with a Response or Objection, such party shall be responsible for taking such measures as are necessary for protecting the identity of the claimant or other sensitive or confidential information relating to the claim. This Protocol does not address the ability of interested parties to challenge any proposed partial or full sealing of court files or records in the event of a demand for an adversary proceeding.

8. Protocol Provided to Claimants.

A copy of this Protocol shall be served with any Objection.

**EXHIBIT A**

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

| | | |
|---|---|---|
| In re: | ) | |
| | ) | Case No. 04-08822-PCW-11 |
| THE CATHOLIC BISHOP OF SPOKANE a/k/a THE CATHOLIC DIOCESE OF SPOKANE, a Washington corporation sole, | ) | **RESPONSE TO OBJECTION TO CLAIM NO. [___]** |
| Debtor. | ) | |

The sealed envelope attached to this cover sheet contains a response relating to a confidential proof of claim. The response contains confidential material and is filed under seal pursuant to a Court order entered May 24, 2006, Docket No. 1196.