

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON AT SPOKANE

In re:

THE CATHOLIC BISHOP OF  
SPOKANE, a/k/a The Catholic Diocese of  
Spokane,

Debtor.

No. 04-08822

MOTION FOR ORDER SHORTENING  
TIME FOR OBJECTIONS RE: THE  
PLAN TRUSTEE'S MOTION FOR  
ORDER APPROVING STIPULATED  
"SECOND TOLLING AGREEMENT"  
**Ex Parte**

**MOTION FOR ORDER SHORTENING TIME**

COMES NOW the Plan Trustee, and respectfully moves the Court for an Order Shortening Time for Objections to June 25<sup>th</sup>, 2007, on the Plan Trustee's Motion for Order Approving Stipulated "Second Tolling Agreement". This Motion is supported by the contemporaneously filed Declaration of Gloria Z. Nagler, and by the entire courtfile herein.

The relevant facts underlying this motion are set forth fully in the contemporaneously filed Declaration of Gloria Z. Nagler. By way of summary, the Debtor and Paine Hamblen entered into a Tolling Agreement ("First Agreement") on January 2, 2007. *See*, Declaration of Gloria Z. Nagler, ¶ 3. The First Agreement provided for extension of the deadline for the Debtor to commence any avoidance actions on behalf of its bankruptcy estate arising under 11 U.S.C. §§ 544, 545, 547, 548, or 553 ("Avoidance Actions") against Paine Hamblen, from December 6,

1 2006 to and including the latter of June 29, 2007 or thirty (30) days after the Effective Date. *See*,  
2 Declaration of Gloria Z. Nagler, ¶ 4.

3 Pursuant to the terms of the Debtor's confirmed Second Plan of Reorganization, the Plan  
4 Trustee effectively stands in the shoes of the Debtor *vis a vis* commencement and prosecution of  
5 the Avoidance Actions. *See*, Declaration of Gloria Z. Nagler, ¶ 5. In order to preserve her rights  
6 as Plan Trustee with regard to the Avoidance Actions, while simultaneously avoiding litigation  
7 which may be premature at this time, the Plan Trustee has entered into a "Second Tolling  
8 Agreement" with Paine Hamblen. *See*, Declaration of Gloria Z. Nagler, ¶ 6. The Second  
9 Tolling Agreement extends the deadline by which the Plan Trustee may commence Avoidance  
10 Actions from June 29, 2007 to August 31, 2007. *See*, Declaration of Gloria Z. Nagler, ¶ 6. A  
11 true and correct copy of the Second Tolling Agreement has been filed as Exhibit A to the  
12 Declaration of Gloria Z. Nagler.

13 As the First Agreement expires on June 29, 2007, it is imperative that the Second Tolling  
14 Agreement be approved by this Court prior to that date. Due to the imminent date of expiration  
15 of the First Agreement, however, the Plan Trustee hereby moves for entry of an Order shortening  
16 the time for objections to her Motion for Order Approving Stipulated "Second Tolling  
17 Agreement" to June 25, 2007. This date provides for 10 days notice, plus 3 for mailing, of the  
18 underlying and accompanying Motion for Order Approving Stipulated "Second Tolling  
19 Agreement".

20 The only parties to the Second Tolling Agreement are the Plan Trustee and Paine  
21 Hamblen. Nonetheless, notice of the Motion for Order Approving Stipulated "Second Tolling  
22 Agreement" is being served via U.S. mail on the United States Trustee, counsel for the Tort  
23 Claimants Committee, and all Special Notice Recipients who have requested such special notice  
24 in writing. *See*, Declaration of Gloria Z. Nagler, ¶ 8. To date, only 5 such people have requested  
25 special notice, and all 5 reside in the State of Washington. *See*, Declaration of Gloria Z. Nagler,  
26 ¶ 8. As such, the Plan Trustee believes that 10 days notice, plus 3 for mailing, provides adequate  
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1 time for recipients to evaluate the Motion for Order Approving Stipulated “Second Tolling  
2 Agreement”, and to file objections if warranted.

3 WHEREFORE, the Plan Trustee respectfully moves the Court for an Order shortening  
4 time for the filing of objections to her Motion for Order Approving Stipulated “Second Tolling  
5 Agreement” to June 25, 2007.

6 DATED this 11<sup>th</sup> day of June, 2007.

8 **NAGLER & ASSOCIATES**

9 /s/Gloria Z. Nagler  
10 GLORIA Z. NAGLER  
11 WSBA # 13176  
12 Plan Trustee  
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