

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.

Case No. 04-08822

**NOTICE OF PLAN TRUSTEE'S
MOTION FOR ORDER APPROVING
STIPULATED "THIRD TOLLING
AGREEMENT"**

TO: **Counsel for the Tort Claimants Committee**
AND TO: **The Clerk of the Court**
AND TO: **All Special Notice Recipients**
AND TO: **The Office of the United States Trustee**

PLEASE TAKE NOTICE that the Plan Trustee has moved (the "Motion") the Court for an Order approving the stipulated "Third Tolling Agreement" entered into between the Plan Trustee and Paine Hamblen.

The Third Tolling Agreement extends the deadline for the Plan Trustee to commence avoidance actions (any and all avoidance actions commenced under 11 U.S.C. §§ 544, 545, 547, 548, or 553) against Paine Hamblen from August 31, 2007 up to and including January 31, 2008. The Plan Trustee believes the Third Tolling Agreement is necessary to preserve her rights as Plan Trustee *vis a vis* the Avoidance Actions, while simultaneously avoiding litigation which may be premature at this time. A true and correct copy of the stipulated Third Tolling Agreement is attached as Exhibit A to the contemporaneously filed Declaration of Gloria Z. Nagler. **Please note that subject to the Plan Trustee's pending Motion for Order Shortening Time, the deadline for the filing of objections to this Motion has been shortened to AUGUST 20, 2007.**

A complete copy of the Motion and supporting documentation are available: (a) at the Clerk's Office of the United States Bankruptcy Court, located at 904 W. Riverside, Ste. 304, Spokane, WA 99201-1011; (b) online at <http://ecf.wawb.uscourts.gov/cgi-bin/login.pl> (a fee-based registration is required to access the information on this website); (c) online at <http://dioceseofspokane.org/chapter11/chapter11index.htm>, or (d) a copy may be obtained by submitting a written request to David Diack of Nagler & Associates at david@naglerlaw.com or (206) 224-3463 (facsimile).

NAGLER & ASSOCIATES
500 Union Street, Suite 927
Seattle, WA 98101-2332

(206) 224-3460 FAX (206) 224-3463

1 **YOU ARE FURTHER NOTIFIED that any objections to the above must be in**
2 **writing, must be filed with the Clerk of the United States Bankruptcy Court at 904 W.**
3 **Riverside, Ste. 304, Spokane, WA 99201-1011 (mailing address: PO Box 2164, Spokane,**
4 **WA 99210-2164), and must be served upon the undersigned counsel not later than**
5 **AUGUST 20, 2007.**

6 Pursuant to Local Bankruptcy Rule 2002-1(f)(1) and (2), any objections shall state briefly
7 the grounds therefor. If an objection states no grounds, the Court may strike the objection on the
8 *ex parte* motion of the moving party. The moving party, however, may make such *ex parte*
9 motion to strike only after the objecting party fails, within 10 days, to respond to a request by the
10 moving party for a brief statement of the grounds for the objection. If no objection is filed, and a
11 hearing is set, the opposing party must comply with Local Rules 9073-1(e)(1) and (2), which
12 state, in part, that an opposing party shall serve and file any objections, counter-affidavits, or
13 statements under penalty of perjury or other responding documents no more than three days prior
14 to the hearing on the application or motion.

15 **IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,**
16 **ENTER AN ORDER WITHOUT AN ACTUAL HEARING OR FURTHER NOTICE.**

17 DATED this 7th day of August, 2007.

18 **NAGLER & ASSOCIATES**

19 /s/Gloria Z. Nagler
20 GLORIA Z. NAGLER
21 WSBA# 13176
22 Plan Trustee
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