

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

In Re:

THE CATHOLIC BISHOP OF  
SPOKANE, a/k/a THE CATHOLIC  
DIOCESE OF SPOKANE, a  
Washington corporation sole,

Debtor.

Case Number: 04-08822-PWC11

Chapter: 11

ORDER APPOINTING A LEGAL  
REPRESENTATIVE FOR  
UNKNOWN TORT CLAIMANTS  
AND MINORS

By Order of the Court.

THIS MATTER came before the Court for hearing on May 25, 2005 upon the Motion for Order Appointing a Legal Representative for Unknown Tort Claimants and Minors (the "Motion") [Docket No. 327], which was filed by The Catholic Bishop of Spokane a/k/a The Catholic Diocese of Spokane, a Washington corporation sole and the debtor and debtor in possession (the "Diocese" or the "Debtor") in the above captioned Chapter 11 reorganization case;

The Court having considered the Motion, the objections and responses to the Motion, the court records and files, and having considered the arguments of counsel at the hearing, and finding it necessary and advisable to appoint a legal representative for Unknown Tort Claimants as defined herein, in order for such persons to have legal representation in this matter, the Court finds that the Motion should be granted;

NOW, THEREFORE, it is

ORDERED:

1. Gayle E. Bush is appointed as the legal representative for Unknown Tort Claimants who are defined as follows:

a. Those persons who know that they had an incident of sexual contact/touching, sexual abuse, or sexual misconduct by an alleged agent of the Diocese while the claimant was a minor yet, prior to any claims bar date established in this matter, fail to make the connection between such incident and injuries arising therefrom (the "Causal Link Claimants");

b. Those persons who, prior to any claims bar date established in this matter, had not discovered or could not have reasonably discovered that, as a minor, they had an incident of sexual contact/touching, sexual abuse, or sexual misconduct by an alleged agent of the Diocese (the "Category b Claimants"); and

c. Those persons who did not reach the age of eighteen prior to any claims bar date established in this matter who have claims for sexual abuse by an alleged agent of the Diocese (the "Minors");

2. The Unknown Claims Representative is authorized to do all of the following:

a. Subject to applicable rules and statutes concerning intervention, joinder, etc., advocate the legal position of the Unknown Tort Claimants in any proceeding before the Court or in any appellate court, including, but not limited to, proceedings concerning the claims bar date, the filing of proofs of claim by or for

Unknown Tort Claimants, and the filing of ballots by or for Unknown Tort Claimants;

b. File pleadings and present evidence, as necessary, on issues affecting the Unknown Tort Claimants; and

c. Take all other actions as are reasonably necessary and appropriate to represent the interests of Unknown Tort Claimants; and it is further

ORDERED that the Unknown Claims Representative shall participate in this case on the same basis as a professional person employed under 11 USC § 327, with compensation to be paid on an hourly basis subject to 11 USC § 327-331 and Bankruptcy Rules 2014-2017; and it is further

ORDERED that the Unknown Claims Representative may, subject to 11 USC §§ 327-331 and FRBP 2014-2017, and on the same basis as a trustee or examiner, employ such experts and other professional persons as may be reasonable and necessary to carry out his duties as the Unknown Claims Representative; and it is further

ORDERED that the appointment of Gayle E. Bush as Unknown Claims Representative is preliminary subject to further order of the Court; and it is further ORDERED that the Debtor shall transmit a copy of this Order to those persons on the Limited Mailing List within two (2) business days of the date this Order is entered and any interested party who objects to the appointment of Gayle E. Bush as the Unknown Claims Representative shall file any such objection with the Court

within ten (10) days of the date this Order is transmitted; and should no objections be timely filed, the appointment of Gayle E. Bush as Unknown Claims Representative shall become final without further notice or hearing; and it is further

ORDERED that nothing contained in this Order shall constitute a finding that (1) any creditor necessarily qualifies as an Unknown Tort Claimant; or (2) any Unknown Tort Claimants actually exist.


THIS ORDER IS ENTERED without prejudice to the Debtor or any party in interest to challenge the validity of any theory (medical, legal or otherwise) associated with the claims held by Causal Link Claimants or Category b Claimants described herein.

Presented By:  
/s/ Michael J. Paukert

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06/03/2005 11:46:34 AM

  
Patricia C. Williams  
Bankruptcy Judge

Enterprise Systems Incorporated  
11487 Sunset Hills Road  
Reston, Virginia 20190-5234

# CERTIFICATE OF SERVICE

District/off: 0980-2  
Case: 04-08822

User: kerriel  
Form ID: pdf002

Page 1 of 1  
Total Served: 14

Date Rcvd: Jun 03, 2005

The following entities were served by first class mail on Jun 05, 2005.

aty Charles R Ekberg, Lane Powell Spears Lubersky LLP, 1420 5th Avenue, Suite 4100,  
Seattle, WA 98101-2338  
aty +Debra A Dandeneau, Weil, Gotshal & Manges, LLP, 767 Fifth Avenue, New York, NY 10153-0119  
aty +Gary W Dyer, U S Trustee, 920 W Riverside, Room 593, Spokane, WA 99201-1012  
aty +Gayle E. Bush, 601 Union Street #5500, Seattle, WA 98101-4059  
aty +George E Frasier, Riddell Williams PS, 1004 4th Ave Ste 4500, Seattle, WA 98104-1109  
aty J Ford Elsaesser, Elsaesser, Jarzabek, Anderson, Marks, et, 123 South Third Street,  
PO Box 1049, Sandpoint, ID 83864-0855  
aty +James I Stang, Pachulski Stang Ziehl et al, 10100 Santa Monica Blvd #1100,  
Los Angeles, CA 90067-4111  
aty +Jed W Morris, Lukins & Annis, PS, 717 W Sprague, Suite 1600, Spokane, WA 99201-3923  
aty +John W Campbell, Esposito George & Campbell PLLC, 421 W Riverside, Suite 960,  
Spokane, WA 99201-0402  
aty +Joseph E Shickich, Jr, Riddell Williams PS, 1001 4th Ave Ste 4500, Seattle, WA 98154-1065  
aty +Michael J Paukert, Paine Hamblen Coffin, et al, 717 W Sprague Ave, Suite 1200,  
Spokane, WA 99201-3505  
aty +Nancy L Isserlis, Winston and Cashatt PS, 601 W Riverside Avenue, Suite 1900,  
Spokane, WA 99201-0695  
Mary DeYoung, 601 Union Street, Suite 1500, Seattle, WA 98101-1363  
Randy McCaskill, 1215 Fourth Avenue Suite 1700, Seattle, WA 98161-1087

The following entities were served by electronic transmission.  
NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Service and that it is true and correct to the best of my information and belief.

First Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 05, 2005

Signature:

