

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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**In Re:**

**ARCHDIOCESE OF MILWAUKEE,**

**Debtor.**

**Case No. 11-20059-svk**

**Chapter 11**

**Hon. Susan V. Kelley**

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**MOTION FOR ENTRY OF AN ORDER  
GRANTING THE DEBTOR ADDITIONAL TIME TO FILE  
SCHEDULES AND STATEMENTS**

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Archdiocese of Milwaukee, debtor and debtor-in-possession (the “Debtor” or “Archdiocese”), hereby submits this Motion (the “Motion”) for the entry of an order granting the Debtor to and including February 8, 2011, to file its Schedules and Statements (as defined below). In support of its Motion, the Debtor respectfully states as follows:

**Jurisdiction**

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue is proper in this District under 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are § 521 of Chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”), and Rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

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### **Background**

3. On January 4, 2011 (the "Petition Date"), the Debtor commenced its reorganization case (the "Reorganization Case") by filing a voluntary petition for relief under the Bankruptcy Code.

4. The Debtor is continuing in possession of its property and is operating and managing its business, as a debtor in possession, pursuant to §§ 1107 and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or an examiner, and no official committee has been established.

5. For a description of the Debtor and its operations, the Debtor respectfully refers the Court and the parties in interest to the *Description of Debtor and Pre-filing History Affidavit of John J. Marek* (the "Marek History Affidavit") and the *Marek Affidavit in Support of First Day Motions* (the "Marek First Day Affidavit"), both filed contemporaneously herewith, and incorporated herein by reference.

### **Relief Requested**

6. Pursuant to § 521 of the Bankruptcy Code and Bankruptcy Rule 1007, a debtor is required, within fourteen (14) days from the date of filing its Chapter 11 petition, to file with the court certain papers, including (a) a schedule of assets and liabilities, (b) a statement of financial affairs, (c) a statement of executory contracts and unexpired leases, and (d) a list of equity security holders as required by Section 1007(b) of the Bankruptcy Rules (collectively the "Schedules and Statements"). By this Motion, the Debtor seeks an order extending its time for filing the Schedules and Statements by an additional twenty (20) days (for a total of thirty-four (34) days from the Petition Date), through and including February 7, 2011.

7. The Debtor has begun, but has not completed, preparation of its schedules and statements, in part because certain prepetition invoices have yet to be received or entered in the Debtor's financial accounting system.

8. The Debtor's financial affairs are complex and it administers significant assets for the benefit of others. However, the Debtor has a very small staff to carry out its work. The staff has been reduced significantly during recent years for financial reasons, and the Debtor is left with limited resources with which to fulfill its Chapter 11 reporting duties.

9. In addition, the Debtor's staff is generally unfamiliar with bankruptcy schedules and procedures. The Debtor's employees necessarily must ask questions of counsel to answer questions of how to present information on forms and answer questions posed on the Statement of Financial Affairs when such reports are more applicable to commercial businesses than not-for-profit religious organizations.

10. The Debtor therefore believes that it will need the additional time requested herein to gather necessary information and to complete and file the Schedules and Statements. Accordingly, the Debtor asks that the Court grant the Debtor to and including February 8, 2011, to file all Schedules and Statements not previously filed, without prejudice to the Debtor's right to seek further extensions or other relief from the Court.

#### **Notice**

11. The Debtor will serve notice of this Motion by electronic mail or facsimile as well as overnight delivery on the parties identified on the attached notice list (the "Notice List Recipients").

12. Within three (3) business days of the entry of the order, notice of the Order will be given to the Notice List Recipients and those persons who have requested notice pursuant to

Rule 2002 of the Bankruptcy Rules. In light of the nature of the relief requested, the Debtor submits that no further notice is required, pursuant to Bankruptcy Rules 9006(c)(1) and 9007, and asks the court to approve the same.

**No Prior Request**

13. No prior application for the relief requested herein has been made to this or any other court.

WHEREFORE, for the reasons set forth herein and in the Marek History Affidavit and Marek First Day Affidavit, the Debtor respectfully requests that this Court (a) enter an order granting the relief requested herein and (b) grant such other and further relief as the Court may deem appropriate.

Dated: January 4, 2011

ARCHDIOCESE OF MILWAUKEE  
Debtor and Debtor-in-Possession  
by its counsel,  
Whyte Hirschboeck Dudek S.C.

By: /s/ Daryl L. Diesing

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**Notice List**

<p><i>Debtor and Debtor in Possession:</i>          Archdiocese of Milwaukee          3501 S. Lake Dr.          Milwaukee, WI 53207          Attn: John Marek, CFO          Phone: 414-769-3334          Facsimile: 414-769-3408          Email: marekj@archmil.org</p>	<p><i>Counsel to Debtor and Debtor in Possession:</i>          Whyte Hirschboeck Dudek S.C.          555 E. Wells St., Ste. 1900          Milwaukee, Wisconsin 53202-3819          Attn: Daryl L. Diesing          Phone: 414-273-2100          Facsimile: 414-223-5000          Email: <a href="mailto:ddiesing@whdlaw.com">ddiesing@whdlaw.com</a>  <a href="mailto:barnold@whdlaw.com">barnold@whdlaw.com</a>  <a href="mailto:mgosman@whdlaw.com">mgosman@whdlaw.com</a></p>
<p><i>Office of the United States Trustee</i>          U.S. Trustee's Office          517 E. Wisconsin Ave., Room 430          Milwaukee, WI 53202          Attn: David W. Asbach          Phone: 414-297-4480          Facsimile: 414-297-4478          Email: <a href="mailto:dave.w.asbach@usdoj.gov">dave.w.asbach@usdoj.gov</a>  <a href="mailto:debra.schneider@usdoj.gov">debra.schneider@usdoj.gov</a></p>	<p><i>Special Counsel to the Debtor and Debtor in Possession:</i>          Quarles &amp; Brady LLC          411 E. Wisconsin Ave., Suite 2040          Milwaukee, WI 53202          Phone: 414-277-5000          Facsimile: 414-271-3552          Email: <a href="mailto:jar@quarles.com">jar@quarles.com</a>  <a href="mailto:dpm@quarles.com">dpm@quarles.com</a></p>
<p><i>Debtor's Notice and Claims Agent:</i>          Kurtzman Carson Consultants LLC          2335 Alaska Ave.          Los Angeles, CA 90245          Attn: Travis Vandell          Phone: 310-823-9000          Facsimile: 310-751-1559          Email: tvandell@kccllc.com</p>	<p><i>Counsel to Certain Creditors listed on Debtor's 20 Largest:</i>          Jeff Anderson &amp; Associates P.A.          366 Jackson St., Ste 100          St. Paul, MN 55101          Attn: Jeff Anderson          Phone : 651-227-9990          Facsimile : 651-297-6543          Email: <a href="mailto:jeff@andersonadvocates.com">jeff@andersonadvocates.com</a></p>
<p><i>Counsel to Secured Lender, Park Bank:</i>          Joseph E. Fenzel S.C.          757 N. Broadway, Ste 600          Milwaukee, WI 53202-3612          Phone : 414-224-1601          Facsimile: 414-224-1602          Email: <a href="mailto:jfenzel@fenzellaw.com">jfenzel@fenzellaw.com</a></p>	<p>Archdiocese of Milwaukee Priests Retiree Pension Plan          Attn: John Marek          3501 S. Lake Dr.          Milwaukee, WI 53207-0912          Phone: 414-769-3334          Facsimile: 414-769-3408 fax          Email: marekj@archmil.org</p>

<p>Archdiocese of Milwaukee Lay Employees Pension Plan  Attn: John Marek  3501 S. Lake Dr.  Milwaukee, WI 53207-0912  Phone: 414-769-3334  Facsimile: 414-769-3408  Email: marekj@archmil.org</p>	<p>Archdiocesan Cemeteries of Milwaukee Union Employees' Pension Plan  Attn: John Marek  3501 S. Lake Dr.  Milwaukee, WI 53207-0912  Phone: 414-769-3334  Facsimile: 414-769-3408  Email: marekj@archmil.org</p>
<p>Archdiocese of Milwaukee Priests' Pension Plan  Attn: John Marek  3501 S. Lake Dr.  Milwaukee, WI 53207-0912  Phone: 414-769-3334  Facsimile: 414-769-3408  Email: marekj@archmil.org</p>	<p>M.H.S. Inc.  Attn: Richard J. Anderson, III  742 W. Capitol Dr.  Milwaukee, WI 53206-3327  Phone: 414-264-5440  Facsimile: 414-264-0672  Email: randerson@messmerhigh.com</p>
<p>Mr. Val Thomas  IRS, Central Insolvency Unit  545 Zor Shrine Pl, Stop 5301 MSN  Madison, WI 53719  Phone: 608-829-8127  Facsimile:</p>	<p>Wisconsin Department of Revenue  Special Procedures Unit  PO Box 8901  Madison, WI 53708-8901  Attn: Hiram F. Cutting  Phone: 608-266-2772  Facsimile: 608-267-1037  Email: <a href="mailto:hirma.cutting@revenue.wi.gov">hirma.cutting@revenue.wi.gov</a></p> <p>2135 Rimrock Road 5-SPU  Madison, WI 53713</p>
<p>Wisconsin Department of Justice  Office of the Attorney General  P.O. Box 7857  Madison, WI 53707-7857  Facsimile: 608-267-2779</p>	<p>Department of Workforce Development,  Division of Unemployment Insurance  PO Box 8914  Madison, WI 53708  Facsimile: 608-266-8221</p>
<p><i>Counsel to Any Official Committee(s):</i>  To be included after such committee is appointed and counsel is retained</p>	<p>Milwaukee Laborer's Local 113  Attn: Anthony Niera, Business Manager  6310 W. Appleton Ave.  Milwaukee, WI 53210  Phone: 414-873-4520  Facsimile: 414-873-5155  Email: <a href="mailto:contactus@milwlaborers113.org">contactus@milwlaborers113.org</a></p>

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**IN THE UNITED STATES BANKRUPTCY COURT  
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**In re:**

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**Chapter 11**

**Hon. Susan V. Kelley**

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**ORDER GRANTING DEBTOR'S MOTION FOR ADDITIONAL TIME TO FILE  
SCHEDULES AND STATEMENTS**

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Upon the Motion (the "Motion")<sup>1</sup> of Archdiocese of Milwaukee, as debtor and debtor-in-possession (the "Debtor"), seeking entry of an order for Entry of an Order Granting the Debtor Additional Time To File Schedules and Statements; due notice of the Motion having been provided to all parties entitled thereto and no other or further notice being required; the Court having reviewed the Motion and being otherwise fully advised in the premises;

It is hereby ordered:

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.  
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1. The Motion is GRANTED.
2. The time within which the Debtor must file its Schedules and Statements is extended to and including February 8, 2011.

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