



THE FOLLOWING ORDER
IS APPROVED AND ENTERED
AS THE ORDER OF THIS COURT:

DATED: January 06, 2011

Susan V. Kelley
Honorable Susan V. Kelley
United States Bankruptcy Judge

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

In re:

ARCHDIOCESE OF MILWAUKEE,

Debtor.

Case No. 11-20059-svk

Chapter 11

Hon. Susan V. Kelley

**ORDER ESTABLISHING CASE MANAGEMENT
AND SCHEDULING PROCEDURES**

This matter having come before the Court on the Motion of the Debtor and Debtor in Possession (the "Debtor"), pursuant to Bankruptcy Rule 1015(c), for an Administrative Order Establishing Case Management and Scheduling Procedures (the "Case Management Motion")¹

¹ Capitalized terms not otherwise defined herein will have the meanings given to them in the Case Management Motion.

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filed by the Debtor in the above-captioned case; the Court having reviewed the Case Management Motion and the *Description of Debtor and Pre-filing History Affidavit of John J. Marek* and the *Marek Affidavit in Support of First Day Motions* (the “Affidavits”); and the Court having found that (i) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this is a core proceeding pursuant to 28 U.S.C. § 157(b) and (iii) notice of the Case Management Motion was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Case Management Motion and the Affidavits establish just cause of the relief granted herein;

It is hereby ordered:

1. The Case Management Motion is GRANTED as set forth herein.
2. The Notice Procedures, Hearing Procedures and Other Case Management

Procedures are approved as follows:

Notice Procedures

1. Service. Every motion, application, complaint, objection, notice, brief, memorandum, affidavit, declaration or other writing filed in this Chapter 11 case (including notices and orders by the Court, but not including proofs of claim or proofs of interest) (collectively, the “Filings”) shall be served on the Service List, as hereafter defined.

2. Service List. The service list includes the parties listed below and any party that successfully files a Notice Request (as hereafter defined) (collectively the “Service List”):

- a) The Debtor;
- b) Debtor’s counsel;
- c) Debtor’s special counsel;

- d) the Debtor's proposed noticing agent, Kurtzman Carson Consultants LLC ("KCC");
- e) the United States Trustee for the Eastern District of Wisconsin (the "U.S. Trustee");
- f) prior to the appointment of a Creditor's Committee for unsecured creditors, the creditors listed on the Debtor's list of twenty largest unsecured creditors filed in this Reorganization Case;
- g) counsel to any official committees established pursuant to § 1102 of the Bankruptcy Code (each, a "Committee");
- h) the Business Manager for the Debtor's union;
- i) counsel to Secured Lender;
- j) the Wisconsin Attorney General; and
- k) such governmental units and taxing authorities as Debtor's general counsel determines should be on the Service List.

The contact information for the parties listed above (the "Original Service List Members") is attached as Exhibit A to the Case Management Motion. Any creditor or party-in-interest may request to be added to the Service List by filing a written request with the Court (a "Notice Request") and providing a copy of the Notice Request to (a) counsel to the Debtor, and (b) KCC. A Notice Request must include: (a) the name, organization (if any), full street address, phone number, fax number and current e-mail address of the party requesting service; (b) if the requesting party is an attorney, the name of the person or entity (or persons or entities) that the attorney represents as required under Rule 9010(b); and (c) a certification that the Notice Request has been served upon counsel to the Debtor and KCC, and the date and manner of service. A fully and properly completed Notice Request will be deemed granted unless the Debtor files and serves a written objection to such Notice Request within ten (10) days of service

thereof. Promptly after approval or deemed approval of the Notice Request, KCC will add the party filing such Notice Request to the Service List.

3. Service by E-Mail. Unless otherwise provided by an order of this Court, parties on the Service List who are registered users of the Court's Case Management/Electronic Case Filing System (the "CM/ECF System"), or who included an e-mail address in their Notice Request, will be deemed to have consented to service by e-mail in the Reorganization Case. Absent an order of the Court to the contrary, parties on the Service List will be required to effectuate service by e-mail, but no other parties will be required to effectuate service by e-mail in the Reorganization Case (although service by e-mail will be allowed).

4. E-Mail Service Rules. Service by e-mail will be subject to the following rules:

- a) E-mail Content. With respect to the service of any Filing, the subject line of the e-mail must include the Debtor's case name (*In re: Archdiocese of Milwaukee*) and/or case number. The body of the e-mail must include (i) the Debtor's case name, (ii) case number, (iii) the name of the party serving such Filing, and (iv) the title of the Filing being served.
- b) E-mail Attachments. All Filings served by e-mail will include access to a computer file containing the entire document, including the proposed form of order and any exhibits, attachments or other materials in "PDF" format, readable by Adobe Acrobat or other equivalent document reader program commonly available without cost. The relevant Filing either will be attached to the e-mail in the format specified above or the e-mail will contain a link to such Filing in such format.
- c) Service by the Courts CM/ECF System. E-mail service of all Filings through the Court's CM/ECF System is permitted. All parties on the Service List that are registered users of the CM/ECF System will be deemed to have consented to e-mail service by the Court's CM/ECF System.

5. Service by U.S. Mail. Notwithstanding the foregoing, any party that provides written request for paper notices to the Debtor or files a Notice Request that specifically requests

paper copies of Filings shall receive paper copies of Filings and will appear on the Service List as a “U.S. Mail Service Recipient.”

6. Adversary Complaints. Notwithstanding the foregoing, a summons and complaint in an adversary proceeding may not be served by e-mail. Local Rule 7004 of the Local Rules of the United States Bankruptcy Court for the Eastern District of Wisconsin (the “Local Rules”) and Bankruptcy Rule 7004 shall govern adversary filing procedures.

7. Alternative Service. If a party is unable to serve a Filing by e-mail due to technological difficulties (e.g., the electronic file is too large to send by e-mail or the party’s e-mail system is not functioning at the time of service), service by such party will be adequate if by U.S. mail or hand or overnight delivery, as long as each of the Original Service List Members are served by facsimile, hand or overnight delivery.

8. Removal from the Service List. A party may be deleted from the Service List only by such party’s express written request to the Debtor or upon another party’s written request to, and approval of, the Court for good and sufficient cause shown.

9. Maintenance of the Service List. On or about the first business day of each calendar month, KCC will (a) file with the Court an updated copy of the Service List and (b) serve the Service List by e-mail or U.S. mail on the parties identified therein. The Service List will indicate the month for which such list is being published. KCC will provide an electronic or paper copy of the most up-to-date version of the Service List to any party in interest requesting a copy of the same, and will maintain copies of such lists on its website for this Reorganization Case at <http://kccllc.net/ArchMil>. A motion will be deemed served on the Service List if it is

served upon the most recent Service List that has been filed with the Court as of the day prior to the date of service.

10. Special Service Rules. All Filings for which particular notices are required by Bankruptcy Rules 2002(a)(2), 2002(a)(3), 2002(a)(6), 4001, 6004, 6006 or 6007 will be served on the parties identified on the Service List and in accordance with the following procedures:

- a) Filings relating to the use, sale, lease or abandonment of property will be served on each entity having a known ownership interest in the property or a known lien or encumbrance on the property.
- b) Filings relating to relief from the automatic stay under § 362 of the Bankruptcy Code or other automatic stay matters will be served, as applicable, on (i) each entity having a known ownership interest in or known lien or encumbrance on any affected property and (ii) the parties to any underlying lawsuit or administrative proceeding and their counsel of record.
- c) Filings relating to the use of cash collateral or obtaining credit will be served on each entity with a known interest in the cash collateral and each entity with a known interest in or known lien or encumbrance on any property proposed to serve as collateral (or additional collateral) in support of the proposed use of cash collateral or new extension of credit.
- d) Filings relating to approval of a proposed compromise or settlement will be served on each entity that is a party to the compromise and settlement.
- e) Filings relating to rights under § 365 of the Bankruptcy Code will be served on each party to the executory contract(s) or unexpired lease(s) sought to be affected.
- f) Filings relating to applications for payment of compensation or reimbursement of expenses of professionals will be served in accordance with any order establishing procedures for interim compensation and reimbursement of expenses for professionals entered by the Court.
- (g) Notice of other matters for which the Bankruptcy Rules require notice to all parties in interest will be served on all creditors, unless otherwise ordered by the Court.
- (h) All other Filings will be served on the parties identified on the Service List and each entity with a particularized interest in the

subject of the Filing.

Hearing Procedures

11. **General Motion Practice.** The following procedures will be followed for Motions and objections generally:

- a) Local Rules 9013.2 through 9014.5 govern motion practice. For the purposes of this Reorganization Case, the fourteen (14) day notice period for motions (the “Notice Period”) will commence after a Filing is filed and e-mail service is effectuated, notwithstanding Bankruptcy Rule 9006, which grants additional time if service is by mail.
- b) Notwithstanding the foregoing, the Notice Period for the meeting of creditors, disclosure statement approval, and confirmation of a chapter 11 plan remains governed by Bankruptcy Rule 2002.
- c) If service to the members of the Service List that are registered users of the CM/ECF system or that provided e-mail addresses in their Notice Request is accomplished without using the Courts CM/ECF system, other e-mail service, or by facsimile, the Notice Period will be extended to seventeen (17) days after a Filing is filed and served.
- d) Pursuant to Local Rule 9014.1, filings may be approved without a hearing if there is no objection (an “Objection”) filed during the Notice Period. If an Objection is timely filed the Court will schedule a hearing on the merits of the Filing. If the Notice Period has passed without Objection, the moving party shall file an affidavit of no objection with the Court after which time the Court may approve the Filing without a hearing.
- e) If an Objection is filed, the movant or another interested party may file a reply to the Objection, by no later than the earlier of (i) two (2) business days prior to the date scheduled for a hearing on the motion, if any, or (ii) seven (7) days after filing and service of the Objection.

12. **Requests for Shortened Time or Limited Notice.** Upon the filing of an affidavit and a showing of good cause, a party in interest may move the Court for (a) emergency consideration of a motion, application, or other moving paper upon shortened notice (an

“Emergency Hearing”), (b) some other reduction of a time period under Bankruptcy Rules 9006(b) or 9006(c) or this Order, or (c) a reduction in the parties to be served with a particular pleading.

13. Telephonic and Video Conference Participation. Local Rule 9014.4 does not apply in this case. If a party desires to participate in a hearing by telephone or video conference (for a hearing that is noticed as an in-person hearing), such party must request permission from the Court and notify attorneys for the Debtor at least forty-eight hours prior to the scheduled hearing. In general, a party participating by telephone is not permitted to examine witnesses or introduce evidence.

Additional Procedures

14. Document Requests and Access to Docket. Electronic copies of all pleadings and documents are available for a fee via PACER on the Court’s website at <http://ecf.wieb.uscourts.gov/>. Further, KCC, the Debtor’s noticing agent, maintains a website at <http://kcellc.net/ArchMil>, where electronic copies of all pleadings and documents will be posted as soon as possible after filing and may be viewed free of charge. *It should be noted that, at any given time, the official docket on the Court’s website may be more up to date than the docket maintained on KCC’s free website.*

15. Adversary Proceedings. Notwithstanding anything to the contrary herein, the prosecution of any adversary proceedings commenced in this Chapter 11 case will be subject to the Court’s general case management procedures for adversary proceedings or any separate case management and scheduling orders entered with respect to such adversary proceedings. The parties on the Service List will be entitled to service of all Filings in adversary proceedings.

16. Modifications of Case Procedures. Nothing in this Order will prejudice the rights of any party in interest to seek an amendment or waiver of the provisions of the this Order upon a showing of good cause.

17. Adequate Notice. Notice and service accomplished in accordance with the provisions set forth in this Order will be deemed adequate in all respects pursuant to the Bankruptcy Code, the Bankruptcy Rules and the Local Rules.

18. Computation of Time. Unless otherwise specified, all time periods referenced in this Motion will be calculated in accordance with Bankruptcy Rule 9006(a).

19. Effect of this Order. In accordance with Local Rule 9029.1, the Bankruptcy Rules and the Local Rules will continue to apply to all proceedings in this Reorganization Case except to the extent that any provision of this Order by its terms supersedes or is inconsistent with such rules.

20. Promulgation of Case Management Order. Within five (5) business days after the entry of this Order, the Debtor will serve a copy of this Order on each of the parties on the Service List. In addition, shortly after the end of each calendar month, a copy of this Order will be served by the Debtor or KCC upon any party filing a Notice Request within such calendar month.

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