

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Case No. 19-20905

Chapter 11

**INTERIM ORDER AUTHORIZING, BUT NOT DIRECTING, THE
DEBTOR TO (I) CONTINUE USING EXISTING BANK ACCOUNTS,
BANKING PRACTICES AND BUSINESS FORMS AND (II) MAINTAIN
INVESTMENT PRACTICES**

Upon the motion of the Diocese of Rochester (the “Debtor”), for entry of interim and final orders authorizing, but not directing, the Debtor to (i) continue using its existing bank accounts, banking practices, and business forms, (ii) maintain investment practices and, (iii) continue using credit cards, and granting related relief (the “Motion”)¹; and it appearing that this Court has jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of this chapter 11 case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors and other parties in interest; and it appearing that proper and adequate notice of the Motion has been given under the circumstances and that, except as otherwise ordered herein, no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on an interim basis as set forth herein.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

2. A final hearing on the Motion shall be held on October 10, 2019 at 1:00 p.m. prevailing Eastern Time. (the "Final Hearing"). Any objections or responses to the Motion shall be filed on or before October 4, 2019 at 4:00 p.m. and served on parties in interest as required by the Federal Rules of Bankruptcy Procedure. This Interim Order, and all acts taken in furtherance of or reliance upon this Interim Order, shall be effective notwithstanding the filing of an objection.

3. The Debtor is authorized to continue using its banking practices as described in the Motion.

4. The Debtor is authorized to: (a) continue to use, with the same account numbers, all of its bank accounts in existence as of the Petition Date as described in the Motion (collectively, the "Bank Accounts"); (b) use, in their present form, all correspondence and business forms including, but not limited to, letterhead, purchase orders and invoices as well as checks and other documents related to the Bank Accounts existing immediately before the Petition Date, without reference to the Debtor's status as debtor in possession(, however to the extent that correspondence and business forms, checks and other documents are computer generated the Debtor will include the "debtor in possession" designation as soon as practicable); provided, however, that upon depletion of the Debtor's correspondence and business forms, the Debtor will obtain new business forms reflecting its status as debtor in possession; and provided, further, however, that as soon as practicable after the Petition Date, the Debtor will obtain a "debtor in possession" stamp to mark its checks or note its status as "debtor in possession" on checks that are electronically printed; and (c) treat the Bank Accounts for all purposes as debtor in possession accounts, including specifically taking such steps as may be necessary to delineate and separately account for prepetition and postpetition transactions.

5. All banks at which the Bank Accounts are maintained (the “Banks”) are authorized to continue to service and administer the Bank Accounts as accounts of the Debtor as debtor in possession, without interruption and in the ordinary course, and to receive, process, honor and pay (i) any and all post-petition checks, drafts, wire transfers and other electronic payment requests issued and drawn on the Bank Accounts (to the extent of funds on deposit), together with (ii) any prepetition checks or payment requests, but solely to the extent they relate to payments or obligations approved by separate order of this Court.

6. The Debtor is authorized to direct the Banks, and the Banks are authorized to rely on the Debtor’s direction, to pay obligations in accordance with this Order or any separate order of this Court. The Banks shall not be liable to any party on account of following the Debtor’s instructions or representations as to whether any order of this Court has authorized the honoring of any prepetition checks, drafts, wires or transfers.

7. Except as otherwise provided in this Order or any separate order of this Court, all Banks provided with notice of this Order maintaining any of the Bank Accounts shall not honor or pay any bank payments drawn or otherwise issued prior to the Petition Date. As soon as practicable after the entry of this Order, the Debtor shall serve a copy of this Order on those Banks that make disbursements pursuant to the Debtor’s banking practices.

8. The Banks are authorized to charge and the Debtor is authorized to pay or honor, both prepetition and post-petition service and other fees, costs, charges and expenses to which the Banks may be entitled under the terms of and in accordance with their contractual arrangements with the Debtor.

9. The Debtor is authorized to open any new bank accounts or close any existing Bank Accounts as it may deem necessary and appropriate in its sole discretion;

provided, however, that the Debtor may only open a new bank account with a banking institution designated as an authorized depository under the U.S. Trustee Guidelines (an “Authorized Depository”), unless first obtaining the consent of the U.S. Trustee.

10. The Debtor shall have a period of forty-five (45) days from the entry of this Interim Order to come into compliance with the requirements of section 345(b) of the Bankruptcy Code, without prejudice to the Debtor’s right to seek a further interim modification or final modification on a Final Hearing on the Motion,.

11. The Debtor shall maintain records of transactions with respect to the Debtor’s investments in Communis Fund of the Diocese of Rochester, Inc. (“Communis Investments”). Such records shall delineate between (a) transactions occurring with respect to Communis Investments before the Petition Date, and (b) transactions occurring with respect to Communis Investments after the Petition Date.

12. Any payment from a Bank Account at the request of the Debtor made by any of the Banks on or prior to the Petition Date (including any ACH Transfer such Bank is or becomes obligated to settle), or any instruments issued by any of the Banks on behalf of the Debtor pursuant to a “midnight deadline” or otherwise, shall be deemed to be paid prepetition, whether or not actually debited from such Bank Account prepetition.

13. All accounts opened by the Debtor following the Petition Date at any bank shall be subject to the rights and obligations of this Order and treated as Bank Accounts hereunder.

14. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be deemed an assumption or rejection of any executory contract

or unexpired lease pursuant to section 365 of the Bankruptcy Code, and the Debtor's rights with respect to such matters are expressly reserved.

15. Nothing in the Motion or this Order, nor the Debtor's payment of any amounts pursuant to this Order, if any, shall be construed as (i) an admission as to the validity of any claim against the Debtor, (ii) a waiver or impairment of the Debtor's rights to contest the validity or amount of any claim on any grounds, (iii) a promise to pay any claim, or (iv) an implication or admission by the Debtor that such claim is payable pursuant to this Order.

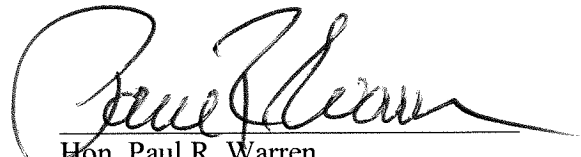
16. The requirements set forth in Bankruptcy Rule 6003(b) are satisfied.

17. The requirements set forth in Bankruptcy Rule 6004(a) are satisfied.

18. This Order is immediately effective and enforceable, notwithstanding the possible applicability of Bankruptcy Rule 6004(h) or otherwise. Any subsequent modification or vacatur of this Order shall not invalidate any action taken pursuant to this Order prior to the modification or vacatur of the Order.

19. This Court retains jurisdiction with respect to all matters arising from or related to the enforcement of this Order.

Dated: September 19, 2019
Rochester, New York


Hon. Paul R. Warren
United States Bankruptcy Judge

Notice Recipients

District/Off: 0209-2
Case: 2-19-20905-PRW

User: admin
Form ID: pdforder

Date Created: 9/19/2019
Total: 4

Recipients of Notice of Electronic Filing:

aty	Ingrid S. Palermo	ipalermo@bsk.com
aty	Stephen A. Donato	sdonato@bsk.com

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	The Diocese of Rochester	1150 Buffalo Road	Rochester, NY 14624
smg	Office of the U.S. Trustee	100 State Street, Room 6090	Rochester, NY 14614

TOTAL: 2

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In Re:

The Diocese of Rochester
aka The Roman Catholic Diocese of
Rochester

Case No.: 2-19-20905-PRW
Chapter: 11

Tax ID: 16-0755765

Debtor(s)

NOTICE OF ENTRY

PLEASE TAKE NOTICE of the entry of the Order referenced below, duly entered in the within action in the Clerk's Office of the United States Bankruptcy Court, Western District of New York on **September 19, 2019**. The Clerk of Court of the United States Bankruptcy Court, Western District of New York, hereby certifies that a copy of the subject Order was sent to all parties in interest herein as required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

Docket #45: Interim Order Authorizing, But Not Directing, The Debtor To (I) Continue Using Existing Bank Accounts, Banking Practices And Business Forms And (II) Maintain Investment Practices (RE: related doc(s) 12 Motion Re: Chapter 11 First Day Motions). Signed on 9/19/2019. NOTICE OF ENTRY. (Lawson, L.)

Date: September 19, 2019

Lisa Bertino Beaser
Clerk of Court

Form ntcentry/Doc 45
www.nywb.uscourts.gov

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District/Off: 0209-2
Case: 2-19-20905-PRW

User: admin
Form ID: ntcentry

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