

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

The Diocese of Rochester,

Debtor.

Case No. 19-20905

Chapter 11

**INTERIM ORDER (I) AUTHORIZING THE CONTINUED MAINTENANCE OF
THE DEBTOR'S PROTECTED SELF-INSURANCE PROGRAM; AND
(II) AUTHORIZING THE PAYMENT OF CERTAIN PREPETITION
OBLIGATIONS IN RESPECT THEREOF AND OTHER LEGACY CLAIMS**

Upon the motion of the Diocese of Rochester (the "Debtor"), for entry of an order (i) authorizing the Debtor to continue to maintain its Protected Self-Insurance Program ("PSIP"), and (ii) authorizing, but not directing, the Debtor to pay any prepetition claims, premiums, legacy worker's compensation obligations and other administrative costs of the PSIP (the "Motion")¹; and it appearing that this Court has jurisdiction to consider the Motion and request to be heard 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, its 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 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 as 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 Local Rules. 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, but not required, in its sole discretion, to continue to maintain and renew the PSIP and each underlying insurance policy on an uninterrupted basis and in accordance with the same practices and procedures as were in effect prior to the commencement of the Debtor's chapter 11 case.

4. The Debtor is authorized and empowered, but not directed, in its sole discretion, to pay from the PSIP Funds, any prepetition claims, premiums, defense costs and administrative costs related to the PSIP, along with any Legacy Payments.

5. The Debtor is authorized, but not directed, in its sole discretion, to revise, extend, supplement or change insurance coverage under the PSIP as it deems necessary or advisable, including entering into new insurance policies, and to continue to collect PSIP Funds from Participating Entities for the purposes of providing continued insurance coverage. The Debtor will notify the Office of the United States Trustee within five (5) business days of making any determination to discontinue the PSIP program.

6. The banks and financial institutions on which checks were drawn or electronic payment requests were made in connection with any prepetition PSIP payments or obligations approved herein are authorized and directed to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment (to the extent of funds on deposit),

and all such banks and financial institutions are authorized to rely on the Debtor's designation of any particular check or electronic payment request as being approved by this Order.

7. The Debtor is authorized, but not directed, in its discretion, to issue new postpetition checks, or to effect new funds transfers, on account of the PSIP payments and obligations and to replace any prepetition checks or electronic funds transfer requests issued that may be lost or dishonored or rejected as a result of the commencement of this chapter 11 case.

8. 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.

9. 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.

10. The requirements set forth in Local Rule 9013-1(A) and (B) are satisfied.

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

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

13. 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.

14. 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

3417952.1

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 #43: Interim Order (I) Authorizing The Continued Maintenance Of The Debtor's Protected Self-Insurance Program; And (II) Authorizing The Payment Of Certain Prepetition Obligations In Respect Thereof And Other Legacy Claims (RE: related doc(s) 10 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 43
www.nywb.uscourts.gov

Notice Recipients

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

User: admin
Form ID: ntcentry

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