

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:) Case No. 20-12345 (SCC)
)
THE ROMAN CATHOLIC DIOCESE OF) Chapter 11
ROCKVILLE CENTRE, NEW YORK,)
)
Debtor.¹)
_____)

**SECOND AND FINAL APPLICATION FOR COMPENSATION OF
KINSELLA MEDIA, LLC, AS EXPERT CONSULTANT REGARDING
DEBTOR'S ESTABLISHMENT OF A BAR DATE NOTICING PROGRAM**

Name of Applicant:	Kinsella Media, LLC
Name of client:	Official Committee of Unsecured Creditors
Time period covered by this application:	November 10, 2020 through June 30, 2021
Total compensation sought for period from February 2, 2021 through June 30, 2021:	\$8,640.00
Total Amount of Compensation Sought on a Final Basis:	\$45,155.00
Total Amount of Compensation Previously Paid:	\$36,515.00
Total Amount of Compensation Remaining Unpaid:	\$8,640.00
Petition Date:	October 1, 2020
Retention Date:	Effective November 17, 2020
Date of order approving employment:	December 9, 2020
If applicable, difference between fees budgeted and compensation sought for this period:	N/A

This is a: ___ Monthly ___ Interim X Final Application.

¹ The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is 50 North Park Avenue, P.O. Box 9023, Rockville Centre, NY 11571-9023.

Dated: July 19, 2021

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James I. Stang

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*Counsel for the Official Committee of Unsecured Creditors
of The Roman Catholic Diocese
of Rockville Centre, New York*

**UNITED STATES BANKRUPTCY COURT
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In re:)	Case No. 20-12345 (SCC)
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THE ROMAN CATHOLIC DIOCESE OF)	Chapter 11
ROCKVILLE CENTRE, NEW YORK,)	
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**SECOND AND FINAL APPLICATION FOR COMPENSATION
OF KINSELLA MEDIA, LLC, AS EXPERT CONSULTANT REGARDING
DEBTOR’S ESTABLISHMENT OF A BAR DATE NOTICING PROGRAM**

Kinsella Media, LLC (“Kinsella”), expert consultant regarding Debtor’s establishment of a bar date noticing program to the Official Committee of Unsecured Creditors (the “Committee”) of the Debtor in the above-captioned case (the “Debtor”), hereby submits this second and final fee application (the “Final Application”) in accordance with the *Order Authorizing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals* dated November 4, 2020 [Docket No. 129] (the “Interim Compensation Order”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Local Bankruptcy Rules for the Southern District of New York (the “Local Rules”), the Amended Guidelines for Fees and Disbursements for Professionals in the Southern District of New York Bankruptcy Cases, effective December 4, 2009 (together with the “Local Rules”, the “Local Guidelines”), the United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. §330, effective January 31, 1996 (the “U.S. Trustee Guidelines”), and this Court’s Order Under 11 U.S.C. §§331 and 105(a), Authorizing and Approving Retention of Kinsella Media, as Expert Consultant Regarding Debtor’s Establishment of a Bar Date Noticing

² The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is 50 North Park Avenue, P.O. Box 9023, Rockville Centre, NY 11571-9023.

Program, Effective as of November 17, 2020, dated December 9, 2020 [Docket 248]. In support of this Final Application, Kinsella respectfully represents as follows:

Background

1. On October 1, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code with the Bankruptcy Court for the Southern District of New York. The Debtor is operating its business and managing its properties as debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in this case.

2. On October 16, 2020, the Office of the United States Trustee (the “UST”) appointed the Committee pursuant to Section 1102 of the Bankruptcy Code. The Committee consists of nine individuals who hold claims against the Debtor, including eight individuals who were sexually abused as minors by perpetrators for whom the Debtor was responsible and one representative of a minor with a civil rights claim against the Debtor.

3. Following the Committee’s appointment, the Committee engaged Kinsella to advise it regarding the Debtor’s proposed bar date noticing program. Given the time constraints, Kinsella began completing work for the Committee on November 10, 2020 and, subject to Court approval, on November 17, 2020 the Committee officially voted to hire Kinsella.

4. On November 25, 2020, the Committee filed the Application of the Official Committee of Unsecured Creditors for Entry of an Order Under 11 U.S.C. §§ 1103(A) and 328(A) and Fed. R. Bankr. P. 2014(a) Authorizing Retention of Kinsella Media, LLC as Expert Consultant Regarding Debtor’s Establishment of a Bar Date Noticing Program Effective as of November 17, 2020 (the “Retention Application”). As set forth in the Retention Application, the Committee selected Kinsella to provide the following services to the Committee:

- i. expert consulting services, an expert report, and expert testimony regarding the bar date noticing program in the Case;
- ii. expert consulting services, an expert report, and expert testimony in connection with the Motion of the Debtor for an Order Establishing Deadlines for Filing Proofs of Claim and Granting Related Relief [Docket No. 174] (the “Bar Date Motion”) and any contested matters, adversary proceedings, and/or any other litigation that may arise in this Case with regard to the Bar Date Motion and the bar date noticing program in the Case;
- iii. expert consulting services in the review and evaluation of the bar date notice, and noticing proposals and reports, whether informal or expert, prepared by the Debtor and/or its professionals;
- iv. assistance with the preparation of affidavits or declarations, and briefing in this Case concerning the issues for which KM and Dr. Wheatman are providing expert consulting services and expert testimony;
- v. preparing for and providing both deposition and court testimony in this Case regarding the issues for which KM and Dr. Wheatman are providing expert consulting services and expert testimony, and consulting with Committee counsel regarding depositions and court testimony of any other interested party’s witnesses concerning the Bar Date Motion and the bar date noticing program in the Case; and;
- vi. such other consulting and advisory services as may be requested by the Committee.

5. On December 9, 2020, the Court entered the Order Authorizing and Approving the Application of the Official Creditors’ Committee for Entry of an Order Under 11 U.S.C. §§ 1103(a) and 328(a) and Fed. R. Bankr. P. 2014(a) Authorizing Retention of Kinsella Media, LLC as Expert Consultant Regarding Debtor’s Establishment of a Bar Date Noticing Program Effective as of November 17, 2020 (the “Retention Order”). The Retention Order provides that all compensation and reimbursement of costs and expenses incurred during Kinsella’s employment be paid only after appropriate application and approval of this Court.

Jurisdiction and Venue

6. This Court has jurisdiction to hear and determine this Final Application pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and

1409. Sections 328(a), 330, and 1103(a) of the Bankruptcy Code and Bankruptcy Rule 2014 are the statutory predicates for the relief sought by this Final Application.

Billing Practices

7. Kinsella is applying for compensation for professional services rendered in accordance with its customary practices and in compliance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, Local Rules, any order establishing procedures for interim compensation and reimbursement of expenses of this Court, entered in these cases, and any other applicable orders of this Court and guidelines established by the United States Trustee.

8. Kinsella charges for its services based on standard hourly rates established, subject to periodic adjustments to reflect economic and other conditions. Billing rates are representative of Kinsella's normal rates for services of this kind and are competitive with other expert consulting firms.

9. Kinsella's hourly billing rates for professionals who may be assigned to this engagement are as follows:

Elaine Pang, Media Partner	\$350
Sali Hama, Senior Notice Program Manager	\$350
Shannon Wheatman, President	\$600

10. No expenses have been incurred by Kinsella during this Interim Compensation Period in the course of representing the Committee.

11. Kinsella maintains contemporaneous records of the time expended and actual, necessary expenses incurred in support of its billings. Time entries are recorded in six-minute increments.

Prior Compensation

12. On March 17, 2021, Kinsella filed *First Interim Application for Compensation of Kinsella Media, LLC, as Expert Consultant Regarding Debtor's Establishment*

of a Bar Date Noticing Program, for the Period From October 1, 2020 Through January 31, 2021, Docket No. 409 (the “First Interim Application”). Pursuant to the Interim Compensation Order, the Court awarded \$36,515.00 of compensation to Kinsella on an interim basis and the Debtor paid Kinsella \$36,515.00 for services rendered from November 10, 2020 to January 31, 2021.

Summary of Professional Services Rendered

13. All services performed by Kinsella relate to the noticing of the Diocese’s bar date order. Specifically, Kinsella: Researched and developed a media plan for noticing the bar date; researched media usage/habits for target audiences; analyzed county-to-county migration for Nassau and Suffolk counties; determined media stats for Dr. Wheatman’s declaration; drafted media overview for heavy New York and limited nationwide media program; compiled examples for banner ads, TV and radio spots; reviewed and edited of Debtor’s proposed bar date noticing materials; reviewed Committee’s objection to Debtor’s proposed bar date program; and managed media plan for noticing the bar date, including a review of the media schedule, draft social media ads, and work on TV advertisement.

Relief Requested

14. By this Final Application, Kinsella seeks final allowance of total compensation of \$45,155.00. Attached hereto as Exhibit A are the invoices submitted by Kinsella with detailed descriptions of work performed.

15. The fees requested are reasonable, and all amounts requested were for actual and necessary services rendered on behalf of the Committee.

Allowance of Compensation

16. Section 330(a)(1)(A) of the Bankruptcy Code provides that the Court may award to a professional person, “reasonable compensation for actual, necessary services rendered.” 11 U.S.C. § 330(a)(1)(A). Section 330(a)(3)(A), in turn, provides that in determining the amount

of reasonable compensation to be awarded, the Court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including:

- i. The time spent on such services;
- ii. The rates charges for such services;
- iii. Whether the services were necessary to the administration of, or beneficial at the time which the service was rendered toward the completion of, a case under this title;
- iv. Whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; and
- v. Whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

11 U.S.C. § 330(a)(3)(A).

17. The congressional policy expressed above provides for adequate compensation in order to continue to attract qualified and competent professionals to bankruptcy cases. Kinsella respectfully submits that the consideration of these factors should result in this Court's allowance of the full compensation sought.

Time and Labor Required

18. During the Interim Compensation Period, the Committee relied on the experience and expertise of Kinsella when dealing with the matters described herein. As a result, Kinsella devoted time and effort to perform properly and expeditiously the required professional services. During the Interim Compensation Period, Kinsella expended 14.4 hours in providing the requested professional services. Kinsella's hourly billing rate is based on Kinsella's normal billing rates for services of this kind and is competitive with other advisory firms.

Necessity of Kinsella's Services

19. This bankruptcy case addresses issues that raise complex questions and require a high level of skill and expertise to efficiently and accurately address. The professional services described herein were performed by Kinsella to, among other things, assist the Committee with the analysis and evaluation of the Debtor's proposed bar date and noticing procedures.

Experience and Ability of the Professionals

20. Kinsella has extensive experience related to the noticing of legal deadlines. Kinsella provides expert consultation to the Committee regarding the claims noticing process and procedures the Bar Date Motion and other matters that arise in this Case relating to publication notice.

Notice

21. Pursuant to the Interim Compensation Order, Kinsella has provided notice of this Final Application upon the following parties by electronic or first class mail: (a) the Debtor c/o The Roman Catholic Diocese of Rockville Centre, 50 N Park Ave P.O. Box 9023, Rockville Centre, NY 11571-9023 (Attn: Thomas Renker); (b) the attorneys for the Debtor, Jones Day, 250 Vesey Street, New York, NY 10281 (Attn: Corinne Ball, Esq., Benjamin Rosenblum, Esq. and Andrew M. Butler, Esq.); and (c) the Office of the United States Trustee Region 2 (the "U.S. Trustee"), 201 Varick Street, Suite 1006, New York, NY 10014 (Attn: Greg Zipes, Esq. and Shara Cornell, Esq.); and (d) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Committee submits that, in light of the nature of the relief requested, not other or further notice need be given.

Conclusion

22. Kinsella respectfully requests that the Court enter an order, in the form attached hereto, (a) granting the relief requested in this Final Application; (b) approve fees in the total

amount of \$45,155.00 for services rendered in the Chapter 11 cases and (c) award and order to be paid to Kinsella the balance of any such fees that remain unpaid; and (d) granting such further relief as is just and proper.

Date: July 19, 2021

PACHULSKI STANG ZIEHL & JONES LLP

/s/ James I. Stang

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ischarf@pszjlaw.com

bmichael@pszjlaw.com


*Counsel for the Official Committee
of Unsecured Creditors*

Certification

The undersigned, a Principal of Kinsella, certifies that except as otherwise noted elsewhere:

1. She has read this Final Application.
2. This Final Application complies with the mandatory provisions of the Guidelines;
3. The fees are billed in accordance with the billing practices described herein, and except as otherwise indicated fall within the Guidelines; and
4. Except to the extent prohibited by the Guidelines, the fees sought herein have been billed at rates and in accordance with practices customarily employed by Kinsella and accepted by Kinsella's clients.
5. Kinsella submits that this Final Application is in compliance with Bankruptcy Code sections 330 and 331, the Bankruptcy Rules, the Interim Compensation Order, and the Guidelines.

Dated: July 16, 2021

/s/ 
Shannon R. Wheatman, Ph.D.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:)	Case No. 20-12345 (SCC)
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THE ROMAN CATHOLIC DIOCESE OF)	Chapter 11
ROCKVILLE CENTRE, NEW YORK,)	
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Debtor. ¹)	

**ORDER GRANTING
SECOND AND FINAL APPLICATION FOR COMPENSATION
OF KINSELLA MEDIA, LLC, AS EXPERT CONSULTANT REGARDING
DEBTOR'S ESTABLISHMENT OF A BAR DATE NOTICING PROGRAM**

Kinsella Media, LLC ("Kinsella"), expert consultant regarding Debtor's establishment of a bar date noticing program to the Official Committee of Unsecured Creditors in the above-captioned case, filed its Second and Final Application for Compensation (the "Final Application"). The Court has reviewed the Final Application and finds that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) notice of the Final Application, and any hearing on the Final Application, was adequate under the circumstances; and (c) all persons with standing have been afforded the opportunity to be heard on the Fee Application.

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Final Application is hereby GRANTED.
2. Kinsella is hereby awarded, on a final basis, the allowance of \$45,155.00

for compensation for services for the period November 10, 2020 through June 30, 2021.

¹ The Debtor in this chapter 11 case is The Roman Catholic Diocese of Rockville Centre, New York, the last four digits of its federal tax identification number are 7437, and its mailing address is 50 North Park Avenue, P.O. Box 9023, Rockville Centre, NY 11571-9023.

3. The Debtor is hereby authorized and directed to immediately pay Kinsella the unpaid portion of such allowed fees.

Dated: _____, 2021
New York, New York

THE HONORABLE SHELLEY C. CHAPMAN
U.S. BANKRUPTCY JUDGE

EXHIBIT A

INVOICE # 6000



In re Roman Catholic Diocese of Rockville

Job: 4157
Invoice Date: 3/5/2021
Due Date: 4/4/2021

Bill To:

Linda Cantor
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd, 13th Floor
Los Angeles, CA 90067

Hours for the period 2/1/21 - 2/28/21	Hours Worked	Hourly Rate	Total
Shannon Wheatman: President	10.5	\$600.00	\$6,300.00
Sub-Total:			\$6,300.00

Current Total Due

\$6,300.00

Payment Instructions

Wire Payment to:

ABA/Routing # (Wire or ACH): 111014325
Account #: 8093434332
Account Name: Kinsella Media
TIN: 52-2301194
SWIFT Code: BAOKUS44
Reference #: 6000
Bank: Bank of Texas
Bank Address: 5956 Sherry Lane, Suite 600
Dallas, TX 75225
Bank Contact: Claudia Flores - 214.987.8817

Or Overnight Payment to:

Exela Technologies
Attn: Bldg 1, Drawer 9065
2701 E Grauwyler Rd
Irving, TX 75061

KM Employee	Date	Description	Hours	Hourly Rate	Total
Shannon Wheatman: President	2/1/21	Call with Brittany Michael and Andrew Butler regarding publication notice.	0.5	600.00	\$300.00
Shannon Wheatman: President	2/2/21	Draft social media ads.	1.6	600.00	\$960.00
Shannon Wheatman: President	2/2/21	Review media schedule.	0.3	600.00	\$180.00
Shannon Wheatman: President	2/5/21	Recirculate social media ads without general bar date.	0.2	600.00	\$120.00
Shannon Wheatman: President	2/8/21	Draft TV and radio scripts, outreach email, press release, and banner ad.	3.8	600.00	\$2,280.00
Shannon Wheatman: President	2/10/21	Email with Epiq about website.	0.3	600.00	\$180.00
Shannon Wheatman: President	2/10/21	Review and address feedback on TV and radio scripts.	0.5	600.00	\$300.00
Shannon Wheatman: President	2/12/21	Call with production vendor about creation of TV spot.	0.9	600.00	\$540.00
Shannon Wheatman: President	2/15/21	Email Epiq information on outreach email and sexual abuse support group list.	0.2	600.00	\$120.00
Shannon Wheatman: President	2/15/21	Review and edit TV storyboard.	0.3	600.00	\$180.00
Shannon Wheatman: President	2/16/21	Email Brittany Michael and Andrew Butler about notice plan modifications.	0.5	600.00	\$300.00
Shannon Wheatman: President	2/18/21	Call with production vendor about updates to TV storyboard.	0.4	600.00	\$240.00
Shannon Wheatman: President	2/24/21	Review animated TV spot.	0.2	600.00	\$120.00
Shannon Wheatman: President	2/24/21	Call with production vendor about changes to TV spot.	0.5	600.00	\$300.00
Shannon Wheatman: President	2/25/21	Review English voice talent.	0.3	600.00	\$180.00
					6,300.00

INVOICE # 6005



In re Roman Catholic Diocese of Rockville

Job: 4157
Invoice Date: 4/20/2021
Due Date: 5/20/2021

Bill To:

Linda Cantor
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd, 13th Floor
Los Angeles, CA 90067

Hours for the period 3/1/21 - 3/31/21	Hours Worked	Hourly Rate	Total
Shannon Wheatman: President	1.4	\$600.00	\$840.00
Sub-Total:			\$840.00

Current Total Due

\$840.00

Payment Instructions

Wire Payment to:

ABA/Routing # (Wire or ACH): 111014325
Account #: 8093434332
Account Name: Kinsella Media
TIN: 52-2301194
SWIFT Code: BAOKUS44
Reference #: 6005
Bank: Bank of Texas
Bank Address: 5956 Sherry Lane, Suite 600
Dallas, TX 75225
Bank Contact: Claudia Flores - 214.987.8817

Or Overnight Payment to:

Exela Technologies
Attn: Bldg 1, Drawer 9065
2701 E Grauwyler Rd
Irving, TX 75061

KM Employee	Date	Description	Hours	Hourly Rate	Total
Shannon Wheatman: President	3/3/21	Attend recording session for TV spot.	0.5	600.00	\$300.00
Shannon Wheatman: President	3/9/21	Review banner ad.	0.4	600.00	\$240.00
Shannon Wheatman: President	3/18/21	Email Andrew Butler and Brittany Michael about issues with LinkedIn and NetTV and suggest options.	0.5	600.00	\$300.00
					840.00

INVOICE # 6011



In re Roman Catholic Diocese of Rockville

Job: 4157
Invoice Date: 7/6/2021
Due Date: 8/5/2021

Bill To:

Linda Cantor
Pachulski Stang Ziehl & Jones LLP
10100 Santa Monica Blvd, 13th Floor
Los Angeles, CA 90067

Hours for the period 6/1/21 - 6/30/21	Hours Worked	Hourly Rate	Total
Shannon Wheatman: President	2.5	\$600.00	\$1,500.00
Sub-Total:			\$1,500.00

Current Total Due

\$1,500.00

Payment Instructions

Wire Payment to:

ABA/Routing # (Wire or ACH): 111014325
Account #: 8093434332
Account Name: Kinsella Media
TIN: 52-2301194
SWIFT Code: BAOKUS44
Reference #: 6011
Bank: Bank of Texas
Bank Address: 5956 Sherry Lane, Suite 600
Dallas, TX 75225
Bank Contact: Claudia Flores - 214.987.8817

Or Overnight Payment to:

Exela Technologies
Attn: Bldg 1, Drawer 9065
2701 E Grauwyler Rd
Irving, TX 75061

KM Employee	Date	Description	Hours	Hourly Rate	Total
Shannon Wheatman: President	6/8/21	Edit draft of implementation declaration.	2.2	600.00	\$1,320.00
Shannon Wheatman: President	6/15/21	Review Debtor edits to implementation declaration.	0.3	600.00	\$180.00
					1,500.00