

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re:

ROMAN CATHOLIC DIOCESE OF
HARRISBURG,

Debtor.

Chapter 11

Case No. 1:20-bk-00599 (HWV)

**THE OFFICIAL COMMITTEE OF TORT CLAIMANTS' CONSOLIDATED
RESPONSE TO THE DEBTOR'S CLASSIFICATION REQUESTS**

The Official Committee of Tort Claimants (the "Committee") respectfully submits this response (the "Response") to the pleadings filed by the Debtor that request that the Court enter an order classifying certain claims as "Class 5: Time-Barred Survivor Claims" (the "Debtor's Classification Requests").

BACKGROUND

1. On January 18, 2022, the Debtor filed the *Roman Catholic Diocese of Harrisburg's Chapter 11 Plan of Reorganization* (the "Debtor's Plan") [ECF No. 978] and the *Disclosure Statement in Support of the Roman Catholic Diocese of Harrisburg's Chapter 11 Plan of Reorganization* [ECF No. 979] (the "Debtor's Disclosure Statement"). The Debtor's Plan provides for the classification of Class 5 Claims.¹ A hearing to address the Debtor's Disclosure Statement is currently scheduled for April 5, 2022 at 11:00 a.m. (prevailing Eastern Time).

¹ All undefined terms herein shall have the meaning ascribed to them in the Debtor's Plan.

2. Since filing the Debtor's Plan, the Debtor has filed the Debtor's Classification Requests in response to sixty-five (65) proofs of claim filed by survivors of child sexual abuse (the "Survivors"). Survivors have filed (65) proofs of claim in the Debtor's bankruptcy case.

3. While styled as objections to proofs of claim, the Debtor's Classification Requests "request only that this Court enter an order classifying the [claim] as a Class 5—Time Barred Survivor Claim"²

4. The Debtor's Classification Requests assert that the Survivors' claims could be "disallowable" as the result of an applicable statute of limitations defense, but do not actually include an objection to Survivors' claims or a request that the Court to disallow Survivors' claims.³

5. The Debtor's Classification Requests also characterize the Survivor claimants that are the subject of the Debtor's Classification Requests as "Potential Claimants" and assign a number to each "Potential Claimant" that is different than the Survivor claimants' proof of claim number.⁴ This inconsistent numbering scheme has resulted in confusion for various parties.

6. The following table depicts the docket number of each of the Debtor's Classification Requests and the corresponding proof of claim number the Debtor requests be classified as a Class 5 Claim:⁵

ECF No.	Corresponding Proof of Claim No.
1041	32
1042	47
1043	55
1044	84
1045	85

² See e.g. ECF No. 1041 at p. 9.

³ See e.g. *id.*

⁴ See e.g. *id.*

⁵ Some of the Debtor's Classification Requests are duplicated in the *Debtor's Limited Omnibus Joinder to Insurance Carriers' Objections to Proofs of Claim* [ECF No 1064]. In total, the Debtor's Classification Requests extend to all sixty-five (65) proofs of claim filed by Survivors.

1046	86
1047	10019
1048	10020
1049	10021
1050	10022
1051	10018
1052	242
1053	244
1054	245
1055	246
1056	10012
1092	70
1093	94
1095	92
1064 (<i>Debtor's Classification Requests are duplicated in the Debtor's Limited Omnibus Joinder to Insurance Carriers' Objections to Proofs of Claim</i>)	46, 56, 91, 52, 58, 60, 83, 89, 76, 3, 71, 73, 79, 10023, 78, 234, 66, 48, 10013, 23, 50, 78, 83, 72, 76, 46, 49, 237, 234, 57, 48, 51, 49, 242, 75, 241, 71, 44, 87, 93, 73, 10010, 244, 82, 13, 52, 89, 13, 75, 90, 10025, 25, 80, 88, 10011, 10015, 10024, 74, 236, 10010, 74, 246, 235 / 10003 / 248, 67, 65, 50, 31, 8, 10024, 31, 244, 241, 245, and 240

7. At a status conference on February 1, 2022, the Court directed insurers who filed objections to Survivors' proofs of claim to file an omnibus procedures motion with respect to the insurers' claim objections and the Debtor's Classification Requests. The objecting insurers have not yet filed such motion. It is unclear when, or if, such motion will be filed.

8. As a result, the Committee respectfully submits this Response for the Court's consideration.

ARGUMENT

9. Fed. R. Bankr. P. 3013 states that, "[f]or purposes of the plan and its acceptance, the court may, *on motion after hearing on notice as the court may direct*, determine classes of creditors . . . pursuant to [11 U.S.C. § 1122]." Fed. R. Bankr. P. 3013 (emphasis added). However, an inquiry into the separation of general unsecured claims into separate classes is an issue best

reserved for a confirmation hearing. *See In re Barnes Bay Development Ltd.*, 2011 WL 3607880 at *8 (Bankr. D. Del. Aug. 15, 2011).

10. The Debtor's Classification Requests are not filed "on motion," as is required by Fed. R. Bankr. P. 3013. Instead, as described above, the Debtor's Classification Requests, while styled as a claim objections, are improperly filed requests for relief relating to the classification of claims.

11. By filing the Debtor's Classification Requests, the Debtor has prematurely and improperly asked this Court to issue an advisory opinion as to the classification of the Survivor claims that are the subject of the Debtor's Classification Requests.

12. The Debtor's Classification Requests should be addressed during confirmation proceedings, or otherwise upon a motion properly filed by the Debtor in accordance with Fed. R. Bankr. P. 3013, the Federal Rules of Bankruptcy Procedure, and the Local Rules of the Bankruptcy Court for the Middle District of Pennsylvania.

RESERVATION OF RIGHTS

The Committee reserves all rights, claims, defenses, and remedies, including, without limitation, to supplement and amend this Response.

CONCLUSION

WHEREFORE, the Committee respectfully requests that the Court refrain from entering order granting the relief requested in the Debtor's Classification Requests.

Respectfully submitted,

Dated: February 23, 2022

/s/ Robert T. Kugler

Robert T. Kugler (MN Bar No. #194116)

Edwin H. Caldie (MN Bar No. #0388930)

STINSON LLP

50 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 335-1500

Facsimile: (612) 335-1657

Email: robert.kugler@stinson.com

Email: ed.caldie@stinson.com

**COUNSEL FOR THE OFFICIAL
COMMITTEE OF TORT CLAIMANTS**