
**THIS OBJECTION SEEKS TO REDUCE AND ALLOW OR DISALLOW AND
EXPUNGE CERTAIN FILED PROOFS OF CLAIM. PARTIES RECEIVING NOTICE OF
THIS SIXTH OMNIBUS CLAIM OBJECTIONS SHOULD REVIEW THE OBJECTION
TO SEE IF THEIR NAME(S) AND/OR CLAIM(S) ARE LOCATED IN THE OBJECTION
AND/OR THE ATTACHED EXHIBIT TO DETERMINE WHETHER THIS OBJECTION
AFFECTS THEIR CLAIM(S).**

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

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

**NOTICE OF THE DEBTOR'S
SIXTH OMNIBUS CLAIM OBJECTIONS**

PLEASE TAKE NOTICE that on February 21, 2023, the Roman Catholic Diocese of Rockville Centre, New York as the above-captioned debtor and debtor in possession (the "Debtor") filed *The Debtor's Sixth Omnibus Claim Objections* (the "Objection") with the

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 P.O. Box 9023, Rockville Centre, NY 11571-9023.

United States Bankruptcy Court for the Southern District of New York (the “Court”).

The Objection requests that the Bankruptcy Court expunge, reduce, reclassify, and/or disallow the claims listed in the Objection on the ground that the claim alleges abuse that occurred at entities and by alleged abusers that the Debtor does not supervise, control, manage, or direct. **Any claim that the Bankruptcy Court expunges and disallows will be treated as if it had not been filed and you will not be entitled to any distribution on account thereof.**

PLEASE TAKE FURTHER NOTICE that if you do NOT oppose the disallowance, expungement, reduction, or reclassification of the claim(s) listed in the Objection, then you do NOT need to file a written response to the Objection and you do NOT need to appear at the hearing.

If you DO oppose the disallowance, expungement, reduction, or reclassification of the claim(s) listed in the Objection, then you MUST file with the Court and serve on the parties listed below a written response to the Objection so that it is received on or before **4:00 p.m., Prevailing Eastern Time on March 14, 2023.**

Your response, if any, must contain at a minimum the following: (i) a caption setting forth the name of the Bankruptcy Court, the names of the Debtor, the case number, and the title of the Objection to which the response is directed; (ii) the name of the claimant and description of the basis for the amount of the claim; (iii) a concise statement setting forth the reasons why the claim should not be disallowed, expunged, reduced, or reclassified for the reasons set forth in the Objection, including, but not limited to, the specific factual and legal bases upon which you will rely in opposing the Objection; (iv) all documentation or other evidence of the claim, to the extent not included with the proof of claim previously filed with the Bankruptcy Court, upon which you will rely in opposing the Objection; (v) the address(es) to which the Debtor must return

any reply to your response, if different from that presented in the proof of claim; and (vi) the name, address, and telephone number of the person (which may be you or your legal representative) possessing ultimate authority to reconcile, settle, or otherwise resolve the claim on your behalf. If you filed a Sexual Abuse Proof of Claim, your response, and any attachments, may be filed with the Bankruptcy Court under seal. If you have questions regarding the confidentiality of your response to this Objection, you should consult with an attorney.

The Bankruptcy Court will consider a response only if the response is timely filed, served, and received. A response will be deemed timely filed, served, and received only if the original response is actually received on or before the Response Deadline on or before March 14, 2023 at 4:00 p.m. (Prevailing Eastern Time) by (a) the chambers of the Honorable Chief Judge Martin Glenn, United States Bankruptcy Court, One Bowling Green, New York, New York 10004; (b) the Debtor, c/o The Roman Catholic Diocese of Rockville Centre, New York, P.O. Box 9023, Rockville Centre, NY 11571-9023; (c) counsel to the Debtor, Jones Day, 250 Vesey Street, New York, NY 10281-1047, Attn: Corinne Ball, Esq., Todd Geremia, Esq., Victoria Dorfman, Esq., Benjamin Rosenblum, Esq., Andrew Butler, Esq.; and (d) William K. Harrington, U.S. Department of Justice, Office of the U.S. Trustee, 201 Varick Street, Room 1006, New York, NY 10014, Attn: Greg M. Zipes, Esq. and Shara Cornell, Esq.

PLEASE TAKE FURTHER NOTICE that a hearing to consider such Objection and any responses related thereto (the “Hearing”) will be held on **March 28, 2023 at 10:00 a.m. (Prevailing Eastern Time)** before the Honorable Martin Glenn, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004. Parties wishing to appear at the Hearing via Zoom for Government, whether making a “live” or “listen only” appearance before the Court, must make an electronic appearance

through the Court's website at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> on or before March 27, 2023, at 4:00 p.m. (prevailing Eastern Time). After the deadline for parties to make electronic appearances has passed, parties who have made their electronic appearance through the Court's website will receive an invitation from the Court with a Zoom link that will allow them to attend the Hearing. Requests to receive a Zoom link should not be emailed to the Court, and the Court will not respond to late requests that are submitted on the day of the hearing. Further information on the use of Zoom for Government can be found at the Court's website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that if you file a written response to the Objection, you should plan to appear at the hearing. The Debtor, however, reserves the right to continue the hearing on the Objection with respect to your claim(s). If the Debtor does continue the hearing with respect to your claim(s), then the hearing will be held at a later date. If the Debtor does not continue the hearing with respect to your claim(s), then a hearing on the Objection will be conducted on the above date.

If the Bankruptcy Court does NOT disallow, expunge, reduce, or reclassify your claim(s), then the Debtor has the right to object on other grounds to the claim(s) (or to any other claims you may have filed) at a later date. You will receive a separate notice of any such objections.

PLEASE TAKE FURTHER NOTICE that if you wish to view the complete Objection, you can do so for free at <https://dm.epiq11.com/drvc>. Full copies of each pleading can be viewed or obtained by accessing the Court's website at www.nysb.uscourts.gov or by calling (888) 490-0633. Note that a PACER password is needed to access documents on the Court's website.

Dated: February 21, 2023
New York, New York

Respectfully submitted,

/s/ Corinne Ball

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

In re:	:	Chapter 11
	:	
THE ROMAN CATHOLIC DIOCESE OF	:	Case No. 20-12345 (MG)
ROCKVILLE CENTRE, NEW YORK, ²	:	
	:	
Debtor.	:	

THE DEBTOR’S SIXTH OMNIBUS CLAIM OBJECTIONS

The Roman Catholic Diocese of Rockville Centre, New York (the “Debtor” or “Diocese”) that is the debtor in possession of the above-captioned chapter 11 case, hereby files this sixth omnibus claim objections (this “Sixth Omnibus Objection”) and respectfully states as follows:

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 P.O. Box 9023, Rockville Centre, NY 11571-9023.

Background

1. On October 1, 2020 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”). The Debtor continues to operate and pursue its religious, non-profit mission and ministry, and manage its properties and affairs as a debtor in possession under sections 1107(a) and 1108 of the Bankruptcy Code. No trustee or examiner has been appointed in this case.

2. The Debtor is the seat of the Roman Catholic Church on Nassau and Suffolk Counties, on Long Island, New York. The State of New York established the Debtor as a religious corporation in 1958. *See* 1958 N.Y. SESS. LAWS Ch. 70 (1958), § 1. The Debtor is one of eight Catholic dioceses in the State of New York and is the eighth-largest diocese in the United States when measured by number of baptized Catholics. The Debtor’s total Catholic population is 1.4 million, which constitutes roughly half of Long Island’s total population of 3.0 million. Pursuit of the Debtor’s mission depends upon the continuing financial support provided by the faithful in anticipation of, and in mutual support of, the Debtor’s religious and charitable mission.

3. To carry out its Catholic mission, the Debtor works closely with its 135 parishes. Parishes play a central role in the lives of Catholics by administering key aspects of the Catholic Faith, including: baptism, education, communion, Mass, confirmation, marriage, and bereavement, including last rites, funeral services, and grief support. None of the parishes are debtors herein.

4. Following the enactment in 2019 of the Child Victims Act (the “CVA”), which revived what had been time-barred claims, approximately 200 lawsuits have been brought by abuse claimants against the Debtor (the “State Court Actions”). In its effort to fairly and equitably address these claims, the Debtor has undertaken a substantial effort to identify and

marshal over 60 years of insurance policies, including both primary and excess coverage, with the goal of securing a valuable resource of the Debtor, its parishes, and its affiliates, so that it can be used for the care and compensation of abuse survivors. The Debtor has made such insurance policies and related information, together with historical financial information for itself and its charitable, educational, and service affiliates, available to counsel for the abuse claimants and the Debtor's insurers.

5. Additional information regarding the Debtor, its mission and operations, and the events and circumstances preceding the Petition Date is set forth in the *Declaration of Charles Moore, Managing Director of Alvarez & Marsal North America, LLC, Proposed Restructuring Advisor to the Roman Catholic Diocese of Rockville Centre, New York, in Support of Chapter 11 Petition and First Day Pleadings* (the "First Day Declaration") filed on the Petition Date.

Jurisdiction and Venue

6. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Claims Process

7. On October 9, 2020, the Debtor filed its schedules of assets and liabilities and statements of financial affairs [Docket Nos. 57-58], which were thereafter amended from time to time.

8. On January 27, 2021, the Court entered the *Order Establishing Deadlines for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Docket No. 333] (the "Bar Date Order"). Under the Bar Date Order, the Court set (a) March 30, 2021 at 5:00 p.m. (prevailing Eastern Time) as the deadline for each person or entity to file a proof of claim in the Debtor's chapter 11 case (the "General Bar Date"), and (b) August 14, 2021 at 5:00 p.m.

(prevailing Eastern Time) as the deadline for each individual holding a Sexual Abuse Claim³ to file a proof of such claim (the “Sexual Abuse Bar Date”). By subsequent order, the Court established October 10, 2022 as a supplemental bar date for certain holders of Sexual Abuse Claims that were revived pursuant to the Adult Survivors Act (the “Adult Survivors Sexual Abuse Bar Date”).

9. The claims register, prepared and maintained by Epiq Corporate Restructuring, LLC, shows that approximately 747 sexual abuse proofs of claim (collectively, the “Proofs of Claim”) have been filed in this chapter 11 case. The Debtor is actively reviewing and reconciling the Proofs of Claim.

10. On January 10, 2023, the Court entered the *Order Approving Claim Objection Procedures and Granting Related Relief* [Docket No. 1554] (the “Claim Objection Procedures Order”). That Claim Objection Procedures Order allows the Debtor to assert omnibus claim objections on the grounds set forth in Bankruptcy Rule 3007(d), which include that the claims are duplicates or have been amended, and also on the grounds that the Debtor is not liable to the claimant for the amount or claim stated.

11. In accordance with the Claim Objection Procedures Order, the Debtor sent a series of letters to claimants’ counsel starting on January 18, 2023, to notify counsel of the Debtor’s forthcoming objections to certain claims and a short description of the grounds for the Debtor’s objection. Debtor invited claimants’ counsel to discuss the Debtor’s forthcoming objections. The Debtor thereafter has worked with certain claimants’ counsel and unrepresented claimants to resolve the Debtor’s objections, and several claims have been withdrawn as a result of counsel’s efforts.

³ A “Sexual Abuse Claim” has the same meaning as the term is defined in the Bar Date Order.

12. As to the objections that remain, the Debtor is in this sixth set of omnibus claim objections focusing on proofs of claims that allege abuse that occurred at entities and by alleged abusers that the Diocese does not supervise, control, manage, or direct. The grounds for these objections are set forth in more detail below.

Relief Requested

13. By this Sixth Omnibus Objection, the Debtor seeks entry of an order granting the relief requested herein, disallowing each proof of claim identified on **Schedule 1** to the Proposed Order. A proposed form of order granting the relief requested herein is attached hereto as **Exhibit A** (the “Proposed Order”).

Basis for Relief Requested

14. Section 101 of the Bankruptcy Code provides that a creditor holds a claim against a bankruptcy estate only to the extent that (a) it has a “right to payment” for the asserted liabilities and (b) is otherwise allowable. 11 U.S.C. §§ 101(5)(A) & 101(10). A claim that is determined by the Court on an objection to be unenforceable against the debtor under applicable law should be disallowed. *See* 11 U.S.C. § 502(b)(1).

15. The claims subject to this Sixth Omnibus Objection allege abuse that occurred at, and by individuals associated with and controlled by, entities that are separate from the Diocese and not supervised, controlled, managed, or directed by the Diocese.

16. This is a threshold issue that has been addressed at the pleading stage by New York State courts in litigation brought pursuant to the Child Victims Act (“CVA”). The Supreme Court, New York County, for example, has dismissed a series of claims against the Archdiocese of New York on the ground that the Archdiocese did not supervise or control certain high schools, retreat centers, residential homes, and other Catholic entities where abuse was alleged to have occurred. *See* cases cited *infra* ¶¶ 23, 25, 27-29 & nn.4-7; *see also, e.g.,*

ARK263 Doe v. Archdiocese of New York, No. 950294/2020, 2022 WL 2916781, at *2 (Sup. Ct. New York Cty. July 18, 2022); *ARK251 v. Archdiocese of New York*, No. 950334/2020, 2022 WL 2343215, at *3 (Sup. Ct. N.Y. Cty. May 31, 2022); *ARK270 v. Archdiocese of New York*, No. 950302/2020, 2022 WL 2316695, at *2 (Sup. Ct. N.Y. Cty. June 28, 2022); *Barilla v. Archdiocese of New York*, No. 950552/2020, 2022 WL 3010199, at *2 (Sup. Ct. N.Y. Cty. July 27, 2022); *Curran v. Archdiocese of New York*, No. 950367/2020, 2022 WL 2954153, at *2 (Sup. Ct. N.Y. Cty. July 25, 2022); *Filardi v. Roman Catholic Archdiocese of New York*, No. 950398/2020, 2022 WL 1552275, at *1-2 (Sup. Ct. N.Y. Cty. May 9, 2022); *Springer v. Archdiocese of New York*, No. 950137/2019, 2021 WL 1054553 (Sup. Ct. New York Cty. Mar. 18, 2021).

17. Here, the Proofs of Claim at issue on this Objection allege abuse that occurred at or under the control of, and by individuals associated with, entities that are not supervised, controlled, managed, or directed by the Diocese. They are

- Schools, a retreat center, a group home, and a family services provider that are not Diocesan institutions and are operated and controlled by independent religious orders that are separate from and not affiliated with the Diocese; and
- An orphanage and family services provider, Little Flower Children and Family Services, that is headquartered in Brooklyn, operates a campus in Wading River, on Long Island, and is not affiliated with the Diocese of Rockville Centre, is not operated or controlled by the Diocese of Rockville Centre, and is a ministry of the Diocese of Brooklyn.

See accompanying Declaration of Thomas G. Renker (“Renker Decl.”) ¶¶ 7-45.

18. Under straightforward principles of New York law, these claims may not properly be asserted against the Diocese and should be disallowed.

19. It is well-established under New York law that, for the Diocese to be liable for torts of alleged abusers, the Diocese must have had a duty to control them. The duty to control arises only when “the relationship between the defendant and the person who threatens the harm

to the third person . . . require[s] the defendant to attempt to control the other’s conduct”—for instance, in an employment relationship—or when the “relationship between the defendant and the person exposed to harm. . . requires the defendant to afford protection from certain dangers including the conduct of others.” *Pulka v Edelman*, 40 N.Y.2d 781, 783-84 (1976). A defendant, such as the Diocese here, cannot be held liable for tortious conduct by individuals who are outside its control. *See Bautista v. Archdiocese of New York*, 84 N.Y.S.3d 47, 49 (1st Dep’t 2018) (no legal liability because defendant did not have “the authority to supervise or control” individual); *Farrulla v. Happy Care Ambulette Inc.*, 5 N.Y.S.3d 12, 12 (1st Dep’t 2015) (defendant “did not cause plaintiff’s alleged injuries and was not legally responsible for the person who did”).

20. An organization may, accordingly, be held liable for a person’s sexual misconduct only when the alleged perpetrator’s conduct is connected to the organization. *See Sheila C. v. Povich*, 781 N.Y.S.2d 342, 349 (1st Dep’t 2004) (defendant could not be held liable for sexual assault that occurred after she “had left defendants’ physical custody and control”); *K.I. v. New York Cty. Bd. of Educ.*, 683 N.Y.S.2d 228, 230 (1st Dep’t 1998) (school not responsible for sexual assault which “was severed by time, distance and [perpetrator’s] intervening independent actions”).

21. The Proofs of Claim at issue on this Sixth Omnibus Objection may not properly be asserted against the Diocese under these principles. As set out in the table attached as **Schedule 1**, the Proofs of Claim at issue on this Sixth Omnibus Objection assert claims based on abuse allegedly occurring at, and by individuals associated with, institutions that are not controlled by the Diocese of Rockville Centre.

22. First, there are a series of institutions that are run by religious orders that are not controlled by the Diocese. The individuals alleged to have abused the claimants are either members of these religious orders, non-Diocesan clerics, or lay persons associated with the institutions run by these religious orders. But the accused abusers are not Diocesan clerics, employees, or agents, and the institutions with which the abusers are allegedly affiliated are not controlled by the Diocese.

23. Here, the Diocese did not and does not have any supervisory authority over the institutions set out below and run by the indicated religious orders that are distinct from the Diocese.

Chaminade High School	Society of Mary (Marianists)
Coindre High School	Brothers of the Sacred Heart
Cormaria Retreat Center	Religious of the Sacred Heart of Mary
LaSalle Military Academy	Christian Brothers
St. Dominic's Group Home	Dominican Sisters of Blauvelt
St. Ignatius Retreat House	Society of Jesus (Jesuits)
St. Mary of the Angels Home	Convent of the Sisters of Mercy, in Brooklyn

See Renker Decl. ¶¶ 7-26, 32-45. The Diocese cannot be held responsible for abuse at these institutions listed above, run by distinct religious orders that are not affiliated with the Diocese and that the Diocese does not control.⁴ Courts have repeatedly dismissed CVA claims against a diocese where it does not have supervisory authority over a separate religious order with whom an alleged abuser is associated.⁵ Indeed, New York County Supreme Court has dismissed claims

⁴ Indeed, St. Dominic's Group Home is located in Rockland County, and is not even within the geographic boundaries of the Diocese of Rockville Centre or on Long Island. Florida-based counsel for this claim appears to have believed that "Rockland County" is in "Rockville Centre," but that is not so.

⁵ See, e.g., *C.S. v. Archdiocese of New York*, No. 951299/2021, 2022 WL 16636682, at *1 (Sup. Ct. New York Cty. Oct. 31, 2022) (granting Archdiocese's motion to dismiss where affidavit of Archdiocese's counsel stated that the

improperly asserted against a diocese where the alleged abuser was affiliated with or controlled by some of the same religious orders at issue on this Sixth Omnibus Objection: the Jesuits,⁶ Dominicans,⁷ and Christian Brothers.⁸

24. Second, a number of claims allege abuse at, or in connection with adoption and foster care services provided by, Little Flower Children and Family Services (“Little Flower”), in Wading River, New York. Little Flower is affiliated with a separately incorporated institution with its headquarters in Brooklyn, New York. *See* Renker Decl. ¶ 27 & Exs. 6-7. It is not affiliated with the Diocese of Rockville Centre, but is a ministry of the Diocese of Brooklyn. *See id.* ¶¶ 27-28. The alleged abusers are also either lay persons or diocesan priests associated with

Archdiocese did not hire, retain, or employ Franciscan Friars, did not have an agency relationship with Franciscan Friars, and did not play a role in assigning, maintaining and/or appointing Franciscan Friars to a position with access to minors or plaintiff); *Turner v. Roman Catholic Archdiocese of New York*, No. 950131/2021, 2022 WL 17067548, at *1 (Sup. Ct. New York Cty. Nov. 17, 2022) (granting Archdiocese’s motion to dismiss based on affirmation that the property where abuse was occurred was owned by Franciscan Friars, who were a religious order independent of the Archdiocese and a separate legal and corporate entity, and the alleged abuser was a member of Franciscan Friars); *Wright v. Roman Catholic Archdiocese of New York*, 2022 WL 4118473 (Sup. Ct. New York Cty. Sept. 7, 2022) (dismissing claims against the Archdiocese because alleged events occurred at an institution run by the Dominicans, an order “independent from the Archdiocese [with] autonomy in life and governance”); *Dominguez v. Roman Catholic Archdiocese of New York*, No. 161123/2021, 2022 WL 10626285, at *2 (Sup. Ct. New York Cty. Oct. 18, 2022) (dismissing complaint where “documentary evidence establishe[d] that the Augustinian Order is an autonomous religious order that the Archdiocese exercises no control or supervision over, and Tagaste Monastery, where the abuse allegedly took place, was under the complete control of the Augustinian Order”).

⁶ *J.D. v. Archdiocese of New York*, No. 950231/2019, 2021 WL 4307226, at *2 (Sup. Ct. New York Cty. Sep. 21, 2021) (granting motion to dismiss where documentary evidence established that defendant “had no affiliation with Fordham Preparatory School nor any of its employees, including the alleged abuser, Father Eugene O’Brien” and emphasizing that “the Jesuits are an independent religious order that is separate and distinct from the Archdiocese”); *Tracey v. Archdiocese of New York*, 2022 WL 3016423 (Sup. Ct. New York Cty. July 26, 2022) (dismissing claims against the Archdiocese where alleged events occurred at an institution ran by the Jesuits, “an independent religious order that is separate and distinct from the Archdiocese”); *ARK251 v. Archdiocese of New York*, No. 950334/2020, 2022 WL 2343215, at *3 (Sup. Ct. N.Y. Cty. May 31, 2022) (dismissing claim where abuser was affiliated with St. Ignatius Loyola, a school administered by the Jesuits).

⁷ *Barilla v. Archdiocese of New York*, No. 950552/2020, 2022 WL 3010199, at *2 (Sup. Ct. N.Y. Cty. July 27, 2022) (dismissing claim asserted against the Archdiocese of New York where alleged abuser was affiliated with a home owned and administered by the Dominican Convent of Our Lady of the Rosary).

⁸ *ARK263 Doe v. Archdiocese of New York*, No. 950294/2020, 2022 WL 2916781, at *2-3 (Sup. Ct. New York Cty. July 18, 2022) (dismissing claim asserted against the Archdiocese of New York where the alleged abuser was affiliated with a high school owned and administered by the Christian Brothers).

the Diocese of Brooklyn, not the Diocese of Rockville Centre. *See id.* ¶¶ 29-30. As with the proofs of claim related to institutions run by a religious order, the Diocese of Rockville Centre should not be held responsible for abuse that occurred at, or under the alleged control of, a separately incorporated entity with which the Diocese has no affiliation, over which it has no supervisory authority, and where the Diocese had no control over the alleged abusers.

25. Courts have held repeatedly, including in the context of claims asserted under the CVA, that where the record shows that a diocese does not control the entity with which the alleged abuser is associated, the diocese is not responsible for that individual's alleged misconduct as a matter of law. *See, e.g., Walker v. Archdiocese of New York*, 706 N.Y.S.2d 307, 307 (1st Dep't 2000); *M.R. v. City of New York*, No. 950027/2020, 2021 WL 3700718 (Sup. Ct. New York Cty. Aug. 16, 2021) (granting motion to dismiss where evidence established that entity "was not an agent of the Archdiocese or Catholic Charities at any time relevant to the allegations in the complaint"); *R.D. v. Archdiocese of New York et al.*, No. 519339/2020, 2021 WL 4307231 (Sup. Ct. Kings Cty. Sep. 22, 2021) (granting motion to dismiss where documentary evidence established that "contrary to plaintiff's claims, [religious organization] did not oversee St. Agnes and St. Francis, and had no custody, control, or supervision over either entity's residents or employees"); *E.G. v. Archdiocese of New York*, No. 950115/2020, 2021 WL 4553664, at *2 (Sup. Ct. New York Cty. Oct. 4, 2021) (granting motion to dismiss where documentary evidence established "no affiliation with the Maryknoll Residence nor any of its employees, including the alleged abuser, Father Alan J. Ryan"); *Springer v. Archdiocese of New York*, No. 950137/2019, 2021 WL 1054553, at *1 (Sup. Ct. New York Cty. Mar. 18, 2021) (dismissing defendant where school charters and "affidavits demonstrate that the Notre Dame School and defendant Notre Dame School of Manhattan are completely separate entities").

26. Publicly available certificates of incorporation and property deeds, submitted along with this Objection, further show that the Diocese is not associated with the Subject Institutions where the alleged abuse occurred. *See* Renker Decl. Exs. 1-10. The Diocese’s Schedule of Assets and Liabilities [Docket Nos. 57, 299, and 1649—Schedule A/B, Part 9, Question 55 & associated rider], publicly disclosed in this bankruptcy case, also reflects that the Diocese does not own the real property where the Subject Institutions operated.

27. Courts have routinely relied on such publicly available materials in dismissing CVA claims against a diocese. For instance, in *E.G. v. Archdiocese of New York*, the defendant submitted a “certified copy of a deed” establishing that another entity owned the property where the alleged abuse occurred, and certificates of incorporation evidencing that the entity was wholly independent from and neither controlled nor operated by the Archdiocese of New York. 2021 WL 4553664, at *2 (Sup. Ct. New York Cty. Oct. 4, 2021). The Archdiocese of New York also submitted an affidavit by its counsel, stating that “the Maryknoll Residence and the Maryknoll Fathers and Brothers are wholly independent from the Archdiocese and the Archdiocese had no supervisory control over the Maryknoll Residence and Father Alan J. Ryan, the alleged abuser.” *Id.* at *2. On the basis of this submission, the Court dismissed the claims against the Archdiocese.

28. Likewise, in *J.D. v. Archdiocese of New York*, the Archdiocese of New York, a defendant in the lawsuit, submitted a public deed for the location where the abuse occurred “evinc[ing] the transfer of the property . . . from Fordham University to the Jesuits of Fordham, Inc.” and then later “to Fordham Preparatory School.” 2021 WL 4307226, at *2 (Sup. Ct. New York Cty. Sep. 21, 2021). The Archdiocese also submitted an affidavit from its Associate General Counsel, stating that “the Archdiocese did not own the property where the alleged abuse

occurred . . . Fordham Preparatory School and the Jesuits are wholly independent from the Archdiocese and . . . the Archdiocese had no supervisory control over Fordham Preparatory School and Father Eugene O’Brien, the alleged abuser.” *Id.*

29. In accordance with this and other authority, the Court should similarly disallow the Proofs of Claim asserted against the Diocese where the publicly available record shows that the Diocese has no supervisory control or authority to direct the entities where the abuse allegedly occurred or the individuals alleged to have engaged in the abuse. *See also, e.g., ARK263*, 2022 WL 2916781, at *4 (“Based upon the Certificate of Incorporation, the property deed for Rice High School and the accompanying [affidavit of the Archdiocese of New York’s Associate General Counsel], the Archdiocese has demonstrated that it did not own or operate [Rice] High School and that it did not supervise the students or employees of the school.”); *ARK270*, 2022 WL 2316696, at *2 (“The submitted documents of articles of incorporation and deeds establish that there was no oversight from Archdiocese to Salesian High School.”); *Filardi*, 2022 WL 1552275, at *2 (“[T]he unrebutted documentary evidence established that the subject property is not owned by the Archdiocese and that the Marist Brothers are an independent religious order that is separate and distinct from the Archdiocese.”).

Reservation of Rights

30. In accordance with the Claim Objection Procedures Order, the Debtor reserves the right to file subsequent objections to any claims subject hereto on any ground. The Debtor also reserves its rights to (i) amend, modify, or supplement this Objection including, without limitation, the filing of objections to further amended or newly filed claims; (ii) seek to expunge or reduce any claim to the extent all or a portion of such claim has been paid; (iii) object on any basis to any claim, in whole or in part; and (iv) settle for any claim for less than the asserted amount, are fully reserved. Separate notice and a hearing will be provided in connection with

any additional objections.

Notice

31. Notice has been provided of this Objection in accordance with the Claim Objection Procedures Order.

No Prior Request

32. No prior request for the relief sought herein has been made to this Court or any other court.

WHEREFORE, the Debtor respectfully requests that the Court enter an order substantially in the form attached hereto as **Exhibit A**, granting: (a) the relief requested herein; and (b) such other and further relief to the Debtor as the Court may deem proper.

Dated: February 21, 2023
New York, New York

Respectfully submitted,

/s/ Corinne Ball

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*Counsel for the Debtor
and Debtor-in-Possession*

EXHIBIT A

(Proposed Order)

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

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

ORDER GRANTING DEBTOR’S SIXTH OMNIBUS CLAIM OBJECTIONS

Upon the *Debtor’s Sixth Omnibus Claim Objections* (the “Objection”),² pursuant to Federal Rule of Bankruptcy Procedure (“Bankruptcy Rule”) 3007; the Court having reviewed the Objection and having considered the statements of counsel and the evidence adduced with respect to the Objection at a hearing before the Court (the “Hearing”); the Court finding that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, (c) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and (d) notice of the Objection and the Hearing was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein;

IT IS HEREBY ORDERED THAT:

1. The Objection is granted to the extent set forth herein.

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 P.O. Box 9023, Rockville Centre, NY 11571-9023.

² Capitalized terms not otherwise defined herein shall have the meanings given to them in the Objection.

2. Each Claim identified in **Schedule 1** hereto is disallowed and expunged in its entirety.
3. The Objection and the schedules hereto constitute a separate contested matter with respect to each such claim, as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate Order with respect to each Claim identified in Schedule 1.
4. The rights of the Debtor to assert further objections to any Proof of Claim that is the subject of the Objections but that has not been disallowed or expunged, in whole or part, are fully preserved.
5. The Debtor, Epiq Corporate Restructuring, LLC, and the Clerk of this Bankruptcy Court are authorized to take all reasonable actions necessary or appropriate to give effect to this Order.
6. Notice of the Objection as provided therein is deemed good and sufficient notice of such Objection, and the requirements of the Bankruptcy Rules and the Local Rules of the Bankruptcy Court for the Southern District of New York are satisfied by such notice.
7. This Order shall be immediately effective and enforceable upon its entry.
8. This Court shall retain exclusive jurisdiction over any and all matters arising from or related to the implementation, interpretation or enforcement of this Order.

Dated: _____, 2023
New York, New York

UNITED STATES BANKRUPTCY COURT

**SIXTH OMNIBUS CLAIM OBJECTIONS
SCHEDULE 1
CLAIMS TO BE DISALLOWED**

	Claim Number	Subject Institutions (as defined in the Renker Declaration)
1.	20048	Chaminade High School
2.	90191	Chaminade High School
3.	90310	Chaminade High School
4.	90430	Chaminade High School
5.	90447	Chaminade High School
6.	90036	Coindre High School
7.	90301	Coindre High School
8.	90283	Cormaria Retreat Center
9.	90023	La Salle Military Academy
10.	90247	La Salle Military Academy
11.	90321	La Salle Military Academy
12.	90363	La Salle Military Academy
13.	90379	La Salle Military Academy
14.	90255	La Salle Military Academy
15.	90429	La Salle Military Academy
16.	90483	La Salle Military Academy
17.	90456	Little Flower Children and Family Services
18.	90261	Little Flower Children and Family Services
19.	90413	Little Flower Children and Family Services
20.	90403	Little Flower Children and Family Services
21.	90455	Little Flower Children and Family Services
22.	90454	Little Flower Children and Family Services
23.	90450	Little Flower Children and Family Services
24.	90451	Little Flower Children and Family Services
25.	90452	Little Flower Children and Family Services
26.	90453	Little Flower Children and Family Services
27.	90494	Little Flower Children and Family Services
28.	90522	Little Flower Children and Family Services
29.	90508	St. Dominic's Catholic School and Group Home
30.	90130	St Ignatius Retreat House
31.	90083	St. Mary of the Angels Home
32.	90465	St. Mary of the Angels Home
33.	90021	St. Mary of the Angels Home
34.	90358	St. Mary of the Angels Home
35.	90424	St. Mary of the Angels Home
36.	90380	St. Mary of the Angels Home
37.	90214	St. Mary of the Angels Home
38.	90166	St. Mary of the Angels Home
39.	90215	St. Mary of the Angels Home