

FILED

MAR 07 2005

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

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In re:)	Chapter 11
)	
THE ROMAN CATHOLIC CHURCH OF)	No. 4-04-bk-04721-JMM
DIOCESE OF TUCSON <i>aka</i> THE)	
DIOCESE OF TUCSON, an Arizona)	MEMORANDUM DECISION
corporation sole,)	
)	
)	
<u>Debtor.</u>)	

The court has considered the appointed representatives' request for the appointment of professional consultants, whose assistance is sought in an effort to estimate the statistical probability in both number and amount of future and unknown claims of the affected groups.

Upon consideration of the status of the entire case, including the number of claims actually filed herein, the cost of such professionals, and the recognition that, in the end, the estimations are nothing more than that, the court concludes that the application should be denied.

Moreover, the court also finds and concludes that the appointed representatives have appropriate training and skill to undertake this process without costing the estate such a large administrative expense. Indeed, each of the appointed representatives are attorneys with approximately 35 years each of practice experience, and are uniquely suited to the task of estimating the potential and size of such unknown claims.

In an effort to assist all parties in making these estimates, and without suggesting that this is the only way to deduce answers to this problem, the court recommends taking the following approach, at least as a primitive starting point.

Using the discovery tools available under Fed.R.Bankr.P. 9014 (incorporating Fed.R.Civ.P. 26-31), the Debtor should answer, under oath, the following questions:

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1. List all priests employed by, or in the service of, the Diocese, from 1950 to the present, together with their years of service and parishes served.
2. State the approximate population of each parish at the time each priest served it.
3. From that list, identify each priest against whom any claim of sexual misconduct or abuse was made, no matter how minor the incident.
4. As to each such priest, describe where such information was obtained (e.g., files, letters, other documents, etc.).
5. As to each incident, describe the nature of the grievance, and the name and age of the alleged victim at the time of the incident.
6. As to each incident, evaluate how (i.e., in what "tier," 1 - 4) such claim would be treated in the current plan of reorganization.
7. As to each incident, describe whether the incident was resolved, whether by monetary or non-monetary means (e.g., apology, etc.).
8. Describe all monetary settlements made by the Diocese, from 1950 to the present, by amount.
9. Describe all verdicts rendered by a court of law, after trial or summary judgment, relative to any of the priests listed.
10. For each priest against whom a charge or allegation of sexual misconduct was made, describe the time period from the first to the last allegation.
11. Describe how many offending priests, or those alleged to have committed such sexual offenses, were dealt with by the criminal justice system and how.

The court-appointed representatives are, by no means, limited to these questions in their effort to evaluate the probability of future claims.

COPIES served as indicated below this 7th day of March, 2005, upon:

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By 
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