

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re : Case No. 19-20905  
The Diocese of Rochester, : Chapter 11  
Debtor. :  
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**MOTION OF UNITED STATES TRUSTEE FOR ORDER AUTHORIZING  
APPOINTMENT OF INDEPENDENT FEE EXAMINER**

TO: **THE HONORABLE JUDGE WARREN,  
UNITED STATES BANKRUPTCY JUDGE:**

Pursuant to 28 U.S.C. § 586 and 11 U.S.C. §§ 105(a) and 330, William K. Harrington, the United States Trustee for Region 2 (“**United States Trustee**”), respectfully moves for an Order authorizing the appointment of an Independent Fee Examiner and for related modifications to the Court’s Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees [ECF. Doc. No. 318]. In support thereof, the United States Trustee states as follows:

**PRELIMINARY STATEMENT**

The United States Trustee respectfully requests that the Court authorize the appointment of an Independent Fee Examiner to provide substantive analysis of the fee requests filed by the many professionals whose retention has been authorized. Given the scale of this chapter 11 case and the number of retained professionals who are applying to this Court for compensation, scrutiny of professional fees will prove challenging. To meet these challenges and to ensure that all professional fee requests meet applicable Bankruptcy Code requirements, the Court should authorize the appointment of a fee examiner. Additionally, because the driving force behind this

case is to address misconduct for persons seeking remedies under the Child Victims Act and given the sensitive nature and public interest of the case, the appointment of a fee examiner will help ensure public confidence in the Bankruptcy system. Finally, prior to making this Motion, the United States Trustee called counsel for the committee and for the debtor in an effort to have the Independent Fee Examiner appointed consensually, but such efforts were unsuccessful.

## **BACKGROUND**

### **General Background**

1. The Diocese of Rochester (the “**Debtor**”) commenced this voluntary case under chapter 11 of the Bankruptcy Code on September 12, 2019 (the “**Petition Date**”).
2. The Debtor is authorized to continue to operate their businesses and manage their properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.
3. The Debtor is a Latin Catholic Diocese which maintains a number of administrative offices and ministries, necessary to advance the mission of teaching, sanctifying and serving, including, the Bishop's Office, Chancery, Marriage Tribunal, Finance, Information Technology, Human Resources, Stewardship and Communications, Evangelization and Catechesis, Catholic Schools, Pastoral Services, Safe Environment, Victims Assistance, Clergy Services and Archives. *See* the Affidavit of Rev. Daniel J. Condon Regarding Structure and Pre-Filing History of the Debtor and in Support of the Chapter 11 Petition and First Day Pleadings. ECF Doc. No. 7 at ¶¶ 5 and 7.
4. On September 26, 2019, the United States Trustee formed an official committee of unsecured creditors. *See* ECF Doc. No. 68.

5. On November 16, 2019, the Court entered its Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of Official Committees (“**Compensation Order**”) [Docket No. 318].

6. Following the filing, the Debtor has employed with Court approval the following professionals<sup>1</sup>:

- a. Bond, Schoeneck & King, PLLC, counsel for the Debtor (Order entered November 20, 2019, ECF Doc. No. 249);
- b. Harris Beach, PLLC, as special counsel for the Debtor (Order entered November 23, 2019, ECF Doc. No. 273);
- c. Blank Rome, LLP, as special insurance counsel for the Debtor (Order entered November 27, 2019, ECF Doc. 300);
- d. Pachulski Stang Ziehl & Jones LLP, as counsel to the Official Committee of Unsecured Creditors (Order entered November 1, 2019, ECF Doc. No. 160);
- e. Nixon Peabody, LLP as special corporate counsel (Order entered November 27, 2019, ECF Doc. No. 301);
- f. Bankruptcy Management Solutions, Inc. d/b/a Stretto as Claims and Noticing Agent for the Debtor (Order entered November 25, 2019, ECF Doc. No. 288); and
- g. Bonadio & Co., LLP, as Accountants for the Debtor (Order entered November 27, 2019, ECF Doc. No. 302).

7. The United States Trustee called counsel to the Debtor and the Official Committee of Unsecured Creditors to discuss and seek consent of the appointment of an

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<sup>1</sup> As of the date of this Motion, the United States Trustee has been reviewing the monthly fee applications as they have been filed and has communicated with the professionals any issues or concerns with billing entries and expenses. To date, there has been sparse resolution to the United States Trustee’s concerns.

Independent Fee Examiner, however, as of the date of this motion, no consensual agreement for the appointment has developed.

**AUTHORITY FOR THE APPOINTMENT OF  
AN INDEPENDENT FEE EXAMINER**

Section 330(a)(3) of Title 11 sets forth the standards for authorizing compensation to professionals retained in bankruptcy cases:

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 factors, including—

(A) the time spent on such services;

(B) the rates charged for such services;

(C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;

(D) 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;

(E) with respect to a professional person, whether the person ... has demonstrated skill and experience in the bankruptcy field; and

(F) 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). It is the Court's responsibility to review applications for compensation and reimbursement of expenses and to enter appropriate Orders on them. The United States Trustee also is charged with reviewing fee applications and commenting when appropriate.

28 U.S.C. § 586(a)(3)(A).

In complex cases a number of bankruptcy courts have appointed independent fee examiners pursuant to Section 105 of the Bankruptcy Code. The role of a fee examiner is different from that of an examiner appointed under 11 U.S.C. § 1104(c) who is charged with

conducting “an investigation of the debtor as is appropriate.” 11 U.S.C. § 1104; *see also In re Collins & Aikman Corp.*, 368 B.R. 623, 625-627 (Bankr. E.D. Mich. 2007).

Fee examiners or fee review committees have been appointed in many significant and complex bankruptcy cases, including but not limited to *Energy Future Holdings*, Docket No. 1896, Case No. 14-10979-CSS (Bankr. Del.), *Budd Company*, Docket No. 346, Case No. 14-11873-JBS (Bankr. N.D.IL.), *Lehman Brothers Holdings*, Docket No. 3651, Case No. 08-13555-scc (Bankr. S.D.N.Y.), *Motors Liquidation (f/k/a General Motors)*, Docket No. 4708, Case No. 09-50026-reg (Bankr. S.D.N.Y.), *AMR Corp.*, Docket No. 2897, Case No. 11-15463-shl (Bankr. S.D.N.Y.), *Exide Technologies*, Docket No. 1283, Case No. 13-11482-KJC (Bankr. Del.), and *Mineral Park*, Docket No. 274, Case No. 14-11996-KJC (Bankr. Del.).

The Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and guidelines issued by the bankruptcy courts and the Executive Office for U.S. Trustees impose fairly rigorous and detailed timekeeping and reporting standards on professionals.

Even with electronic data and filing now widely in use, those detailed reporting requirements impose a significant burden on the courts: daily narrative time records for hundreds and, in some proceedings, thousands of timekeepers fill thousands of pages and hundreds of thousands of lines. On occasion, usually by stipulation, the bankruptcy courts have utilized fee auditors, fee examiners, and fee committees to provide quantitative and qualitative analysis and recommendations.

*Baker Botts L.L.P. v. Asarco, LLC*, 2014 WL 6984132 (Supreme Court December 10, 2014)

(*Amicus Brief of Neutral Fee Examiners Supporting Neither Party*).

## ARGUMENT

### **A. The Court Should Authorize the Appointment of an Independent Fee Examiner.**

Given the size and complexity of the chapter 11 case, the United States Trustee requests that the Court authorize the appointment of an Independent Fee Examiner to review and report on

as appropriate the monthly invoices submitted in accordance with the Compensation Order and all interim and final applications for allowance of compensation and reimbursement of expenses filed by professionals retained under sections 105, 327, or 1103 of the Bankruptcy Code or similar authority (the “**Retained Professionals**”), in accordance with sections 328, 330, and 331 of the Bankruptcy Code and the Interim Compensation Order (collectively, the “**Applications**”).

The appointment of a fee examiner will promote consistency, predictability, and transparency when the Retained Professionals file their Applications. In addition, all parties will maintain their rights to review and contest any of the Applications. Moreover, the driving force behind this case is to address misconduct for persons seeking remedies under the Child Victims Act and given the sensitive nature and public interest of the case, the appointment of a fee examiner will help ensure public confidence in the Bankruptcy system. *Cf., In re Ionosphere Clubs, Inc.*, 113 B.R. 164, 168 (Bankr. S.D.N.Y. 1990) (where debtor’s business affects a large segment of the general public, consideration of public interest becomes a factor in deciding to appoint trustee).

The United States Trustee will identify a candidate to serve as an Independent Fee Examiner and present such candidate to the Court on notice to all interested parties.

**B. Duties of Independent Fee Examiner**

The United States Trustee requests that any Order authorizing the appointment of an Independent Fee Examiner impose upon the Independent Fee Examiner the duty to review and assess all Applications filed by Retained Professionals, and the fees and reimbursement of expenses for which allowance is sought pursuant to the Applications, for compliance with the following:

- a. Bankruptcy Code Sections 328, 329, 330, and 331, as applicable;
- b. Rule 2016 of the Federal Rules of Bankruptcy Procedure;

- c. The Compensation Order;
- d. Local Bankruptcy Rule 2016-1; and
- e. United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses, 28 C.F.R. Part 58, Appendix A and Appendix B.

**C. Authority of Independent Fee Examiner**

The United States Trustee also requests that any Court Order appointing an Independent Fee Examiner also authorize the Fee Examiner to:

- a. File comments on the public docket of the Court regarding any Application by a Retained Professional;
- b. Communicate his concerns regarding any Application to the Retained Professionals to whom such Application pertains, and to request further information as appropriate;
- c. Request Retained Professionals to provide budgets, staffing plans, or other information to the Independent Fee Examiner;
- d. Establish procedures for the resolution of disputes with Retained Professionals;
- e. Recommend procedures to facilitate the preparation and review of Applications;
- f. Appear and be heard on any matter before the Court;
- g. File and litigate objections to the allowance of any Application;
- h. Take, defend, or appear in any appeal regarding an Application;
- i. Conduct discovery; and

- j. Retain, subject to Court approval, professionals (including attorneys and auditors) to represent or assist the Independent Fee Examiner in connection with any of the foregoing.

The United States Trustee further requests that any Order appointing an Independent Fee Examiner provide that the Debtor, the Committee, the United States Trustee, and all Retained Professionals shall cooperate with the Independent Fee Examiner in the discharge of the Independent Fee Examiner's duties and shall promptly respond to any reasonable requests for information or communications from the Independent Fee Examiner.

**D. Compensation of Fee Examiner**

The United States Trustee requests that any Order appointing an Independent Fee Examiner provide that the Fee Examiner and any Professionals retained by the Independent Fee Examiner shall be entitled to reasonable compensation from the estate for their reasonable fees and expenses. Any such requests for compensation shall be made by application to the Court and shall be allowed according to the same standards and procedures that apply to Retained Professionals.

**E. Immunity of Independent Fee Examiner**

Finally, the United States Trustee requests that any Order authorizing the appointment of an Independent Fee Examiner provide that the Independent Fee Examiner is appointed as an Officer of the Court with respect to the performance of the duties set forth herein and given immunity permitted by law from civil actions for all acts taken or omitted in the performance of his duties.



**VI. PROPOSED MODIFICATIONS TO THE  
COMPENSATION ORDER**

Should the Court find that the appointment of an Independent Fee Examiner is warranted under the circumstances, the United States Trustee requests entry of an Order modifying the existing Compensation Order. A proposed modified Order is submitted herewith.

WHEREFORE, the United States Trustee respectfully requests that the Court consider the foregoing and authorize the appointment of an Independent Fee Examiner subject to the terms herein and grant such further relief as may be just.

Dated: Rochester, New York  
March 19, 2020

Respectfully submitted,  
WILLIAM K. HARRINGTON  
UNITED STATES TRUSTEE, Region 2

By: /s/ Kathleen Schmitt  
Kathleen Schmitt  
Assistant United States Trustee  
100 State Street, Room 4180  
Rochester, NY 14614  
Tel. (585) 263-5706

**UNITED STATES BANKRUPTCY COURT**  
**Western District of New York**  
1220 U.S. Courthouse  
Rochester, New York 14614  
www.nywb.uscourts.gov

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In re

The Diocese of Rochester,

Debtor.

Case No. 19-20905  
Chapter 11

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**UNITED STATES TRUSTEE'S NOTICE OF MOTION OF UNITED STATES TRUSTEE FOR  
ORDER AUTHORIZING APPOINTMENT OF INDEPENDENT FEE EXAMINER**

PLEASE TAKE NOTICE that a hearing will be held before the Honorable Paul R. Warren, United States Bankruptcy Judge on:

**Date/Time/Location of Hearing**

April 16, 2020 at 9:00am

100 State Street

Kenneth B. Keating Federal Building

Rochester, New York 14614

to consider a motion filed by the United States Trustee, Kathleen Dunivin Schmitt, Assistant United States Trustee, seeking an Order Authorizing the Appointment of an Independent Fee Examiner.

Notice is further given that the papers upon which this motion is made are filed with the Office of the Clerk of the Court and may be viewed during regular business hours.

Appearance by the debtor, debtor's attorney, movant and opposing party(ies) is required if opposition is filed. This requirement applies equally to any and all subsequent adjournments of these matters if granted by the Court.

**Dated:**

Lisa Bertino Beaser  
Clerk, U.S. Bankruptcy Court

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re : Case No. 19-20905  
The Diocese of Rochester, : Chapter 11  
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**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

Upon consideration of the Motion for the Appointment of an Independent Fee Examiner pursuant to 11 U.S.C. § 105(a) and for Modification of Interim Compensation Procedures for Certain Professionals Employed Pursuant to 11 U.S.C. § 327 (the “**Fee Examiner Motion**”) and the Administrative Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals and Members of the Official Committees (“**Compensation Order**”) [ECF Doc. No. 318] entered by the Court in these cases; upon further consideration that the size and complexity of this Chapter 11 case will result in the filing of numerous, lengthy and complex professional fee applications; and upon the Court’s conclusion that the appointment of a fee examiner under Bankruptcy Code § 105 appears to be in the best interests of the Debtor, its estate and creditors, and other parties-in-interest,

IT IS HEREBY ORDERED THAT:

1. The United States Trustee shall appoint a disinterested person to serve as independent fee examiner (the “**Fee Examiner**”) in this case, subject to the terms and conditions of this order and subject to the terms and conditions of the Compensation Order, as modified

**The Diocese of Rochester; Case No. 19-20905**

**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

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herein.

2. In the performance of his duties and powers as provided in this Order, the Fee Examiner shall enjoy the maximum immunity permitted by law from all manner of claims, demands, suits, or civil actions for all acts taken or omitted by him. Any and all claims, demands, suits, or civil actions not brought or asserted against the Fee Examiner prior to the thirtieth (30th) calendar day after entry of an order determining the last final fee application in these cases pursuant to 11 U.S.C. § 330 shall be barred forever and discharged, and all persons and entities shall be enjoined from prosecuting such claims in any manner thereafter.

3. The Fee Examiner may retain attorneys and other professionals, assistants, or consultants to the extent he deems it necessary to discharge his duties. The Fee Examiner's retention of professionals shall be subject to Court approval under standards equivalent to 11 U.S.C. § 327, after notice and opportunity for hearing pursuant to Local Rules of this Court.

4. The fees and expenses of the Fee Examiner shall be subject to application and review pursuant to Bankruptcy Code § 330 and shall be paid from the Debtor's estate as an expense of administration under 11 U.S.C. § 503(b)(2) and in accordance with the procedures in the Compensation Order. The Fee Examiner's compensation shall not be contingent or dependent on any element of success or result. The Fee Examiner's fees and expenses shall be subject to the information detail requirements set forth in the applicable United States Trustee Appendix B Guidelines for Compensation.

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5. Except as otherwise provided herein, the scope of the Fee Examiner’s duties and responsibilities shall encompass all interim and final applications submitted after the effective date of this Order by (1) any and all professionals in these cases requesting compensation and/or reimbursement of expenses on an interim basis pursuant to Bankruptcy Code §§ 327, 330, 331, or 1103, and (2) any professional subject to any Order authorizing the Debtor to employ and compensate professionals for services rendered in the ordinary course of business (the “**Ordinary Course Professionals Order**”) whose fees exceed the annual cap specified for such professional in the Ordinary Course Professionals Order, but only for fees incurred in the year in which such fees exceed the annual cap (together, the “**Retained Professionals**”). Unless the Court orders otherwise, the scope of the Fee Examiner’s duties and responsibilities shall not extend to (1) any requests for compensation submitted pursuant to 11 U.S.C. §§ 503(b)(3) or 503(b)(4), and/or for making a substantial contribution to this Chapter 11 case, or (2) any applications for interim compensation made pursuant to 11 U.S.C. §331 that were filed before the effective date of this Order, provided that the Fee Examiner may review such interim applications for the purpose of performing his duties and responsibilities with regard to any final applications for compensation and reimbursement of expenses submitted pursuant to 11 U.S.C. § 330.

6. Except as provided in Paragraph 5 above, the Fee Examiner shall review and assess all fee and expense applications filed by Retained Professionals, and the fees and

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**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

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reimbursement of expenses for which allowance is sought pursuant to the fee applications, for compliance with (1) Sections 328, 329, 330 and 331 of Title 11 of the United States Code, as applicable, (2) Rule 2016 of the Federal Rules of Bankruptcy Procedure, (3) the Compensation Order (as amended herein); and (4) the applicable Guidelines for Compensation.

The Fee Examiner is further authorized and shall have standing before the Court:

- A. to review and comment on applications for interim compensation and final fee applications;
- B. to prepare summaries and reports for the Court to aid in the review and approval of interim and final fee applications, which may include such matters as the efficiency and reasonableness of staffing and expenses and the appropriateness of periodic increases in hourly rates;
- C. to require applicants for compensation to provide him such supplemental information as he may reasonably require in order to evaluate the reasonableness of any particular fee item; provided, however, that nothing herein shall require a Retained Professional to provide any information that would disclose privileged information, work product or anything (including potential strategies) that in the Retained Professional's reasonable discretion could be damaging or prejudicial to its clients; provided, for the avoidance of doubt, that a professional's general discussion of projects and tasks without reference to confidential details shall not be considered a waiver of any privilege or discovery immunity;
- D. to object to the allowance of fees or expenses sought by any Retained Professional in a fee application on the same grounds as any party in interest in this case, including based on the reasonableness standard provided in Bankruptcy Code § 330;
- E. to appear, file and litigate such objections to interim and final applications as he may deem appropriate; and

**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

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F. to conduct such discovery as may be pertinent and necessary to the performance of his other duties and responsibilities after first securing approval of this Court, which may be granted only upon notice to all interested parties and opportunity for hearing, and the Court retains exclusive jurisdiction over all matters relating to such discovery.

Notwithstanding these enumerated powers, the Fee Examiner shall have no role in evaluating or judging the legal or factual merits of any papers filed or positions taken by parties in interest or their Retained Professionals, but this restriction shall not limit the ability of the Fee Examiner to consider the factors set forth in 11 U.S.C. §§ 330(a)(3)(C) and (D) in his evaluation of applications for compensation and reimbursement of expenses.

7. The Debtor, the Official Committee of Unsecured Creditors and all Retained Professionals (including attorneys, financial advisors, auditors, and claims consultants) shall cooperate with the Fee Examiner in the discharge of the Fee Examiner's duties and shall, subject to the qualification set forth in Paragraph 6.C above with respect to privileged matters or work product, promptly respond to any reasonable request for information from the Fee Examiner.

8. Nothing contained herein shall affect the right, if any, of any party in interest in these cases to object or otherwise respond to any interim fee application or monthly request for compensation and reimbursement of expenses, including those of the Fee Examiner. Nothing herein shall affect any party's right to request a waiver of the requirements of the applicable Guidelines for Compensation and the requirements under 11 U.S.C. § 330, to the extent they apply.

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**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

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9. Any communication between the Fee Examiner (or any agent thereof) and any Notice Party (or any agent thereof) that pertains to the fees or expenses of any Retained Professional of another Notice Party itself shall be in writing and copies thereof shall be sent to the Retained Professional whose fees or expenses are the subject of such communication, at the same time and by the same means as the communication between the Fee Examiner or the Notice Party.

10. The Notice Parties, as defined in the Compensation Order, as amended by this Order, are authorized and empowered to take any and all actions necessary to implement and effectuate the terms of this Order, but only to the extent such actions are not inconsistent with the express terms of the Order.

11. The Compensation Order is hereby modified as follows:

A. The Fee Examiner to be appointed by the United States Trustee is designated as an additional Notice Party entitled to receive monthly statements, and provide objections if appropriate, under the Compensation Procedures set forth in the Compensation Order.

B. Each Monthly Statement and Fee Application shall include detail containing the time entries and the expense items in searchable Adobe Acrobat (pdf) format or other searchable electronic format as may be reasonably requested (such as Excel or Microsoft Word).

12. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry, and shall remain in effect unless and until the Court orders otherwise.



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**ORDER AUTHORIZING INDEPENDENT FEE EXAMINER PURSUANT TO 11 U.S.C. § 105(a) AND MODIFYING THE INTERIM COMPENSATION PROCEDURES FOR CERTAIN PROFESSIONALS EMPLOYED PURSUANT TO 11 U.S.C. § 327**

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13. The Court retains jurisdiction to enforce, modify or vacate this Order after hearing upon not less than ten (10) days' notice to the Fee Examiner, the Debtor, the Official Committee of Unsecured Creditors and the United States Trustee. Notwithstanding any provisions of this Order to the contrary, the Court retains ultimate authority to determine whether fees and expenses requested by any Retained Professional are necessary and reasonable under 11 U.S.C. § 330.

DATED this \_\_\_\_\_

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The Honorable Judge Warren  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

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In re : Chapter 11  
: :  
THE DIOCESE OF ROCHESTER, : Case No.: 19-20905-PRW  
: :  
Debtor. :  
: :  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2020, I electronically filed

MOTION OF UNITED STATES TRUSTEE FOR ORDER AUTHORIZING APPOINTMENT  
OF INDEPENDENT FEE EXAMINER, NOTICE, AND PROPOSED ORDER

with the Clerk of the United States Bankruptcy Court using the CM/ECF system, which sent  
notification via the Court's ECF system.

In addition to service via the Court's ECF system, on that same date I served the  
foregoing document by mailing a true and correct copy in sealed envelopes with postage prepaid  
thereon in an official depository of the U. S. Postal Service within the state of New York,  
addressed to each of the parties identified, as follows:

*Debtor*

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/s/Stephanie D. Becker  
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