

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

In re:

Case No.: 19-20905

The Diocese of Rochester,

Chapter 11

Debtor.

The Diocese of Rochester,

Plaintiff,

Adversary Proceeding

No.: 19-ap-02021

v.

The Continental Insurance Company, Certain Underwriters at Lloyd's, London, Certain London Market Companies, The Dominion Insurance Company Limited, Stronghold Insurance Company Limited, CX Reinsurance Company Limited, Markel International Insurance Company Limited, Tenecom Limited, National Surety Corporation, Interstate Fire & Casualty Company, Colonial Penn Insurance Company, and HDI Global Specialty SE,

Defendants.

**CONSENT ORDER APPOINTING
PAUL VAN OSSELAER AS ADDITIONAL MEDIATOR**

WHEREAS, on March 10, 2020, the Court entered its *Order Directing Mediation and Appointing Mediator* [Adv. Docket No. 39] (the "Mediation Order"), appointing Judge Gregg W. Zive ("Judge Zive") to serve as the mediator in this adversary proceeding; and

WHEREAS, The Diocese of Rochester (the "Diocese"), the Official Committee of Unsecured Creditors (the "Committee"), The Continental Insurance Company ("Continental"), Interstate Fire & Casualty Company and National Surety Corporation (collectively, "Interstate"), Certain Underwriters at Lloyd's, London (the "Underwriters") and London Market Insurers

(“LMI”); (Continental, Interstate, Underwriters and LMI are collectively the “Carriers”) agree to the appointment of Paul Van Osselaer as an additional mediator to serve with Judge Zive as a co-mediator in this matter; and

WHEREAS, the next mediation sessions shall take place for two days in-person in Rochester, New York on July 27 and 28, 2022 (the “Initial Sessions”); and

WHEREAS, the Carriers have committed to attending the Initial Sessions, but will evaluate whether to participate in any subsequent mediation sessions if and when they are under consideration; and

WHEREAS, Judge Zive has no objection to the appointment of Mr. Van Osselaer as an additional mediator;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Paul Van Osselaer of Van Osselaer Dispute Resolution PLLC is appointed as an additional mediator to serve as co-mediator in this matter with Judge Zive.

2. Mr. Van Osselaer shall be compensated for his services at a rate of \$700 per hour, plus reimbursement of expenses (the “Mediator Fees”). The Diocese is hereby authorized to pay any and all Mediator Fees without further order of this Court upon receipt of a reasonably detailed invoice from Van Osselaer Dispute Resolution PLLC. With respect to Mediator Fees relating to the Initial Sessions, each of Continental, Interstate, Underwriters, and LMI shall severally reimburse the Diocese collectively 50% of the Mediator Fees so that Continental, Interstate, Underwriters and LMI shall each pay one eighth (1/8) of any such Mediator Fees within thirty (30) days following receipt of a copy of the relevant invoice. Any disputes or objections to any such Mediator Fees that cannot be consensually resolved shall be promptly submitted to the Court for resolution. The responsibility for Mediator Fees relating to any subsequent mediation sessions shall be determined by agreement of the parties or further order of this Court.

3. Counsel for the Diocese, Parishes, Committee, Continental, Interstate, Underwriters, and LMI, along with client representatives with settlement authority shall participate in the Initial Sessions of the mediation starting at 10:00 a.m. on July 27 and July 28, 2022 at the law offices of Harris Beach PLLC, 99 Garnsey Road, Pittsford, New York.

4. Judge Zive and Mr. Van Osselaer shall coordinate and jointly determine the location, time, manner, and procedures for the Initial Sessions.

5. All parties to the Initial Sessions must comply with any directives issued by either Judge Zive or Mr. Van Osselaer, unless otherwise ordered by the Court.


6. Except to the extent of any inconsistency with this Order, the Court's Mediation Order remains in full force and effect and shall continue to govern the mediation.

7. The 14-day stay imposed by Bankruptcy Rule 6004(h) is hereby waived and the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

8. This Court retains jurisdiction with respect to all matters arising from or related to the enforcement of this Order.

Dated: July 8, 2022

Rochester, New York


Hon. Paul R. Warren
United States Bankruptcy Judge

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