

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota BKY 20-60337
religious corporation,
Debtor.

ORDER APPOINTING UNKNOWN CLAIMS REPRESENTATIVE

At Minneapolis, Minnesota, June 18, 2020.

This case is before the court on the motion of debtor to consider and to appoint an unknown claims representative. Based on the motion and the file,

IT IS ORDERED:

1. The motion is granted.
2. Michael R. Hogan is appointed the unknown claims representative to represent the unknown claimants. "Unknown claimants," as used in this order, are those tort claimants who may have claims arising from sexual abuse experienced as minors but, as a result of a valid legal excuse, do not timely file a proof of claim, have never identified themselves to the debtor, and are not presently known to the debtor.
3. The unknown claims representative shall have standing under 11 U.S.C. § 1109(b) to be heard as a party in interest in all matters relating to the debtor's case.
4. The duties and responsibilities of the unknown claims representative will include:
 - A. Undertaking an investigation and analysis regarding the estimated number of unknown tort claimants and the estimated value of unknown tort claims;

- B. Filing proofs of claim on behalf of all unknown tort claimants within 60 days of entry of this order, subject to extension by consent of the debtor and the unsecured creditors' committee or for good cause shown;
- C. Negotiating treatment of unknown tort claims in a plan of reorganization with the debtor, the unsecured creditors' committee, and other appropriate parties;
- D. Advocating unknown tort claimants' legal positions before the court and, if necessary, filing pleadings and presenting evidence on any issue affecting such claimants;
- E. Taking all other legal actions reasonably necessary to represent the interests of unknown tort claimants; and
- F. Serving as an independent fiduciary acting on behalf of all unknown tort claimants.

5. The unknown claims representative shall be compensated at the rate of \$550 per hour and shall be entitled to reimbursement of his actual, reasonable, and necessary expenses, in accordance with such other orders as have been or may be entered by the court with respect to compensation of professionals in this case; *provided, however*, that the unknown claims representative's fees are capped at \$50,000.00. Thereafter, the unknown claims representative shall file a status report summarizing all services rendered, as well as his findings and recommendations and must seek further leave of the court to incur any fees in excess of \$50,000.00.

6. The unknown claims representative may employ attorneys and other professionals consistent with the applicable provisions of the bankruptcy code, only with prior approval of the court.

7. The unknown claims representative shall not be liable for any damages or have any obligations other than as prescribed by orders of this court; *provided, however*, that the unknown claims representative may be liable for damages caused by his willful misconduct or gross negligence.

/e/ Robert J. Kressel

ROBERT J. KRESSEL
UNITED STATES BANKRUPTCY JUDGE