

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ALASKA**

In re:

CATHOLIC BISHOP OF NORTHERN
ALASKA, a/k/a Catholic Diocese of
Fairbanks, a/k/a The Diocese of
Fairbanks, a/k/a CBNA,

Debtor.

Case No. F08-00110-DMD
Chapter 11

**Filed On
6/17/09**

**MEMORANDUM ON THE DEBTOR'S MOTION TO EXTEND
EXCLUSIVITY PERIOD**

The debtor filed a motion under 11 U.S.C. § 1121(d) to extend the exclusivity period until August 31, 2009. The Official Committee of Unsecured Creditors ("UCC") has opposed the motion. At the time this motion became ripe for ruling, there were several other matters relating to this case pending before the court. A hearing is scheduled for June 18, 2009, on the adequacy of the debtor's first amended disclosure statement, the UCC's motion for authority to commence, prosecute and settle certain litigation on behalf of the bankruptcy estate, and the debtor's motion under 11 U.S.C. § 105(a) and AK LBR 9013-1 to strike certain replies filed by the UCC and to deny the UCC's derivative standing motion. On June 30, 2009, the court will hear argument on cross-motions for summary judgment which have been filed in the "lost policies" case, *Continental Insurance Company v. Catholic Bishop of Northern Alaska (In re Catholic Bishop of Northern Alaska)*, Adv. No. F08-90033-DMD.

11 U.S.C. § 1121(d)(1) authorizes the court to extend the exclusivity period "for cause." While "cause" is not defined in the Bankruptcy Code, I feel cause exists here

for extending the exclusivity period, at a minimum, until such time as a ruling on the adequacy of the debtor's first amended disclosure statement is issued. The amended disclosure statement and the other motions and related pleadings are voluminous. The parties have raised weighty issues which have a significant bearing on the debtor's ability to move forward with the plan confirmation process. The court intends to issue a ruling on these matters as promptly as possible, but it will take several days to review and evaluate the arguments which have been presented. Under such circumstances, it is appropriate to extend the exclusivity period until such time as the court determines the adequacy of the debtor's first amended disclosure statement. A ruling on the debtor's request for an extension of time until the later date of August 31, 2009, will be made concurrently with that determination.

An order will be entered consistent with this memorandum.

DATED: June 17, 2009

BY THE COURT

/s/ Donald MacDonald IV
DONALD MacDONALD IV
United States Bankruptcy Judge

Serve: S. Boswell, Esq.
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U. S. Trustee
ECF Participants

06/17/09