

OCT 11 2005

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

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

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 RE CLAIM
corporation sole,)	NO. 87/204
)	
_____ Debtor.)	(Opinion to Post)

Before the court is an objection to claim no. 87/204. The claimant appeared in court, via telephone, on October 4, 2005; counsel for the various interested parties also appeared.

After consideration of the documents and pleadings filed with respect to this claim, and after considering the testimony of claimant no. 87/204, the court concludes that it must sustain the objection to the claim.

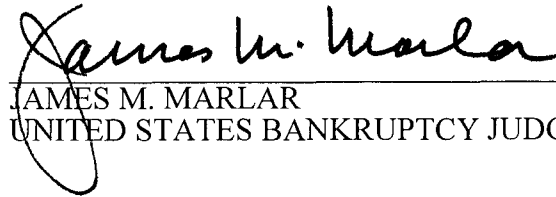
The court renders this decision for a number of reasons. First, the claim is 41 years old, the events in question having occurred in about 1964, when the claimant was only seven years old. Thus, the applicable statute of limitations would have run in approximately 1980, at the latest, 25 years ago. Second, the claimant was not able to persuade the court, on the record before it, of having had any type of repressed memory that was only recently triggered. Third, no expert witness was proffered by the claimant to bolster any theory of repressed memory. Fourth, the factual basis for the claim was not clear enough to warrant a finding of either liability or damages.

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Accordingly, an order will be issued disallowing claim no. 87/204.

Any appeal from such order must be filed no later than ten (10) days after it is entered.

DATED: October 11, 2005.



JAMES M. MARLAR
UNITED STATES BANKRUPTCY JUDGE

1 COPIES served as indicated below this 11
2 day of October, 2005, upon:

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23 By 
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