

No. _____

In the
Supreme Court of the United States

RICHARD C. TRAHANT,

Petitioner,

v.

THE ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF NEW ORLEANS, ET AL.,

Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit**

PETITION FOR A WRIT OF CERTIORARI

Paul M. Sterbcow
LEWIS, KULLMAN,
STERBCOW & ABRAMSON
601 Poydras Street, Suite 2615
New Orleans, LA 70130

Richard C. Trahant
ATTORNEY AT LAW
2908 Hessmer Avenue
Metairie, LA 70002

Jack E. Morris
Counsel of Record
JACK E. MORRIS,
ATTORNEY AT LAW, LLC
4051 Veterans Boulevard,
Suite 208
Metairie, LA 70002
(504) 454-2769
jem@jemorrislaw.com

May 1, 2026

Counsel for Petitioner

QUESTION PRESENTED

Petitioner Richard C. Trahant is state court co-counsel of record for certain sexual abuse claimants appearing as creditors of the debtor in bankruptcy, The Roman Catholic Church of the Archdiocese of New Orleans, in this Chapter 11 bankruptcy proceeding. Acting *sua sponte* and without notice or a hearing, the bankruptcy court entered an order finding petitioner in contempt for allegedly violating a protective order, reserving the assessment of “appropriate sanctions” for a hearing at a later date. The court of appeal affirmed the district court judgment affirming the bankruptcy court’s contempt order, rejecting petitioner’s defense of lack of procedural due process for the stated reason that the bankruptcy court allegedly “did not sanction” petitioner’s conduct at the time of the contempt order.

THE QUESTION PRESENTED IS:

Does the Due Process Clause of the U.S. Constitution require notice and an opportunity to be heard before a court may enter a finding of contempt against a person, where the court reserves assessment of monetary sanctions for a later proceeding?

PARTIES TO THE PROCEEDINGS

Petitioner and Attorney for Claimants-Appellants

- **Richard C. Trahant** was state court co-counsel of record for certain sexual abuse claimants appearing as creditors against the debtor in bankruptcy, The Roman Catholic Church of the Archdiocese of New Orleans, in the bankruptcy court, and was the appellant in the district court and court of appeals.

Respondent and Debtor-Appellee

- **The Roman Catholic Church of the Archdiocese of New Orleans** was the Debtor in the bankruptcy court, and was the appellee in the district court and court of appeals.

Respondents and Debtors-Appellees

- **Official Committee of Unsecured Creditors**
- **Official Committee of Unsecured Commercial Creditors**
- **Apostolates**
- **Hancock Whitney Bank**
- **Abuse Claimants**

These Respondents were listed as “appellees” in the court of appeals but did not file any document or otherwise participate in the appeal.

Respondent and Court Appointed Trustee

- **The U.S. Trustee** was the court-appointed bankruptcy trustee in the bankruptcy court and was the bankruptcy trustee in the district court and court of appeals, but did not file any document, or otherwise participate in the proceedings in the district court or court of appeals.

LIST OF PROCEEDINGS

U.S. Court of Appeals, Fifth Circuit

- *In the Matter of The Roman Catholic Church of the Archdiocese of New Orleans*, 5th Cir. No. 23-30466 (5th Cir.), judgment entered on January 2, 2026 (App.1a) and rehearing denied on February 18, 2026 (App.197a).
- *In the Matter of Roman Catholic Church of the Archdiocese of New Orleans*, No. 22-30539 (5th Cir.), judgment entered on May 13, 2024 and rehearing denied on June 11, 2024.

U.S. District Court, E.D. Louisiana

- *In re The Roman Catholic Church of the Archdiocese of New Orleans*, No. 22-1996 (E.D. La.), judgment entered on July 14, 2022.
- *In re Roman Catholic Church of the Archdiocese of New Orleans*, No. 22-1738 (E.D. La.), judgment entered on August 11, 2022.
- *In re Roman Catholic Church of the Archdiocese of New Orleans*, No. 22-1740 c/w 22-4101 (E.D. La.), judgment entered on March 27, 2023 (App.97a) and rehearing denied on June 21, 2023 (App.34a).

U.S. Bankruptcy Court, E.D. Louisiana

- *In re The Roman Catholic Church of the Archdiocese of New Orleans*, No. 20-10846 (E.D. La. Bankr.), judgments entered on June 7, 2022 (App.164a) and October 11, 2022 (App.120a).

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
PARTIES TO THE PROCEEDINGS	ii
LIST OF PROCEEDINGS.....	iii
TABLE OF AUTHORITIES	viii
OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL PROVISION INVOLVED.....	1
STATEMENT OF THE CASE.....	2
A. Facts	4
B. Procedural History.....	9
REASONS FOR GRANTING THE PETITION.....	17
CONCLUSION.....	23

TABLE OF CONTENTS (Cont.)

Page

APPENDIX TABLE OF CONTENTS**OPINIONS AND ORDERS**

Opinion, U.S. Court of Appeals for the Fifth Circuit (January 2, 2026)	1a
Judgment, U.S. Court of Appeals for the Fifth Circuit (January 2, 2026)	29a
Order, U.S. Court of Appeals for the Fifth Circuit (August 16, 2023)	32a
Opinion, U.S. District Court for the Eastern District of Louisiana (June 21, 2023)	34a
Opinion, U.S. District Court for the Eastern District of Louisiana (March 27, 2023).....	97a
Order, U.S. District Court for the Eastern District of Louisiana (April 28, 2023).....	118a
Memorandum Opinion and Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (October 11, 2022)	120a
Order to Show Cause, U.S. Bankruptcy Court for the Eastern District of Louisiana (June 13, 2022)	160a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (June 7, 2022)	164a
Order, U.S. District Court for the Eastern District of Louisiana (August 23, 2022)	171a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (April 25, 2022).....	175a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (April 7, 2022).....	179a

TABLE OF CONTENTS (Cont.)

	Page
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (February 14, 2022).....	182a
Order, U.S. District Court for the Eastern District of Louisiana (February 10, 2023).....	185a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (February 9, 2022).....	189a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (February 4, 2022).....	192a
Order, U.S. Bankruptcy Court for the Eastern District of Louisiana (January 20, 2022).....	194a

REHEARING ORDER

Order Denying Petition for Rehearing En Banc, U.S. Court of Appeals for the Fifth Circuit (February 9, 2026).....	197a
---	------

OTHER DOCUMENTS

Debtor’s Motion for Entry of an Order (Public Version) (January 20, 2022).....	199a
Email from Soren Gisleson (Public Version) (February 9, 2022).....	201a
Committee Members of the Official Committee of Unsecured Creditors and Their State Court Counsel’s Motion to Participate in Discovery (Public Version) (February 22, 2022).....	203a
Declaration of Richard C. Trahant (Public Version) (April 12, 2022)	206a

TABLE OF CONTENTS (Cont.)

	Page
Notice of Withdrawal of Debtor’s Motion for Entry of an Order (April 26, 2022)	211a
Acting United States Trustee’s Statement of Position Concerning Violations of the Protective Order (Public Version) (June 3, 2022)	213a
Notice of Appointment of Reconstituted Official Committee of Unsecured Creditors (June 7, 2022)	215a
Richard C. Trahan’s Objections to Order to Show Cause and to Impositions of Additional Sanctions (August 8, 2022)	217a

Note: The Appendix contains only documents that are publicly available

TABLE OF AUTHORITIES

	Page
CASES	
<i>Board of Regents of State Colleges v. Roth</i> , 408 U.S. 564, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972)	19
<i>CEATS, Inc. v. TicketNetwork, Inc.</i> , 71 F.4th 314, 324 (5th Cir. 2023).....	20
<i>Chambers v. NASCO, Inc.</i> , 501 U.S. 32, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991)	4, 17, 22
<i>Cooke v. United States</i> , 267 U.S. 517, 45 S.Ct. 390, 69 L.Ed. 767 (1925)	3, 17, 18
<i>Goldin v. Bartholow</i> , 166 F.3d 710 (5th Cir. 1999)	20
<i>In re Oliver</i> , 333 U.S. 257 68 S.Ct. 499, 92 L.Ed. 682 (1948)	22
<i>McGuire v. Sigma Coatings, Inc.</i> , 48 F.3d 902 (5th Cir. 1995)	21
<i>Test Masters Ed. Serv., Inc. v. Robin Singh Ed. Serv., Inc.</i> , 799 F.3d 437 (5th Cir. 2015).....	20
<i>United States v. Peterson</i> , 456 F.2d 1135 (10th Cir.1972)	21
<i>Waste Mgt. of Wash., Inc. v. Kattler</i> , 776 F.3d 336 (5th Cir. 2015)	16, 20
<i>Wisconsin v. Constantineau</i> , 400 U.S. 433, 91 S.Ct. 507, 27 L.Ed.2d 515 (1971)	18, 19

TABLE OF AUTHORITIES (Cont.)

	Page
CONSTITUTIONAL PROVISIONS	
U.S. Const., amend. V.....	1, 18
U.S. Const., amend. XIV.....	18
STATUTES	
11 U.S.C. § 105(a)	10, 17, 18
11 U.S.C. § 1101 <i>et seq.</i>	2
11 U.S.C. § 1102(a)(4).....	10
139 Stat. 656, Pub. L. 119-38 (2025).....	15
28 U.S.C. § 157(a)	2
28 U.S.C. § 157(b)(2)(O).....	2
28 U.S.C. § 158(a)	2
28 U.S.C. § 1291.....	2
28 U.S.C. § 1334.....	2
JUDICIAL RULES	
Fed. R. App. P. 4(a)(1).....	2
Fed. R. Bankr. P. 8001 <i>et seq.</i>	2

TABLE OF AUTHORITIES (Cont.)

	Page
OTHER AUTHORITIES	
Jeremy Bentham, 1 RATIONALE OF JUDICIAL EVIDENCE 524 (1827)	22
Vargas, R.A., Hammer, D. <i>Judge disregards bankruptcy trustee’s recommendation and punished New Orleans clergy abuse survivors</i> , THE GUARDIAN (MAR. 31, 2025), https://www. theguardian.com/us-news/2025/mar/31/ new-orleans-archdiocese-child-sex-abuse- settlement	11, 20



OPINIONS BELOW

Petitioner seeks review of the Opinion of the United States Court of Appeals for the Fifth Circuit, in case number 23-30466, dated January 2, 2026. (App.1a). This opinion was not designated for publication.



JURISDICTION

The United States Court of Appeals for the Fifth Circuit rendered its decision on January 2, 2026 (App.1a). Petitioner timely filed a petition for rehearing *en banc* on January 15, 2026 (CA Doc. 114). The court of appeals denied rehearing on February 9, 2026 (App.197a), and entered a Judgment of Mandate on February 18, 2026 (App.29a). This Court has jurisdiction to review the decision of the court of appeals pursuant to 28 U.S.C. § 1254(1).



CONSTITUTIONAL PROVISION INVOLVED

U.S. Const., amend. V

No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.



STATEMENT OF THE CASE

Petitioner Richard C. Trahan, through undersigned counsel, respectfully petitions this Court for a writ of certiorari directed to the U.S. Fifth Circuit Court of Appeals for supervisory review of the court of appeal's decision dated January 2, 2026 (App.1a). In the decision, the court of appeals affirmed "the district court's judgment affirming the bankruptcy court's finding of contempt and imposition of sanctions" against Mr. Trahan for alleged violation of a protective order (App.28a).¹ The bankruptcy court's "finding of contempt" is contained in an Order dated June 7, 2022 that the bankruptcy court rendered *sua sponte* without affording Mr. Trahan notice or a hearing (App.164a). ROA.1569.

In affirming the judgments of the lower courts, the court of appeals rejected Mr. Trahan's defense of

¹ The bankruptcy court exercised jurisdiction over this bankruptcy proceeding under Chapter 11 of the Bankruptcy Code, 11 U.S.C. § 1101 *et seq.*, pursuant to 28 U.S.C. § 1334 and 28 U.S.C. § 157 (a), and this is a core proceeding pursuant to 28 U.S.C. § 157(b) (2)(O).

The district court exercised appellate jurisdiction of this appeal pursuant to 28 U.S.C. § 158(a) and Fed. R. Bankr. P. 8001 *et seq.* because the bankruptcy court issued final orders finding contempt and imposing sanctions against Mr. Trahan, a nonparty attorney for certain creditors, on June 7, 2022 (App.164a) and October 11, 2022 (App.120a), respectively, and Mr. Trahan timely filed notices of appeal within 14 days thereafter on June 10, 2022 and October 21, 2022, respectively. ROA.1569-73, 1594-96, 13168-97, 13198-13200.

lack of procedural due process for the stated reason that the bankruptcy court allegedly “did not sanction” Mr. Trahant’s conduct at the time of its finding of contempt (App.12a). Observing that the “the bankruptcy court stated in the June 7, 2022 Order that it would issue a separate show-cause order to determine the appropriate sanctions for the alleged conduct,” the court of appeals erroneously concluded that “These procedural safeguards satisfy what due process demands before a court enters a final contempt order” (App.14a-15a).

The issue, therefore, is whether the Due Process Clause of the Fifth Amendment to the U.S. Constitution entitled Mr. Trahant to notice and an opportunity to be heard *before* the bankruptcy court entered the July 7, 2022 order finding him in contempt, even though the court reserved the assessment of monetary sanctions for a later proceeding. As shown herein, the court of appeals’ decision that the bankruptcy court’s post-contempt show-cause order allegedly satisfied the requirements of due process conflicts with decisions of this Court holding that due process requires *pre-hearing* notice of contempt charges and “a *reasonable* opportunity to meet them by way of defense or explanation,” *Cooke v. United States*, 267 U.S. 517, 45 S.Ct. 390, 69 L.Ed. 767 (1925) (emphasis added), and that courts “must comply with the mandates of due process, *both* in determining that the requisite bad faith exists

The court of appeals exercised appellate jurisdiction of this appeal pursuant to 28 U.S.C. § 1291 and Fed. R. App. P. 4(a)(1) because the district court’s Opinion entered on June 21, 2021 (App.34a) disposed of Mr. Trahant’s consolidated appeals and therefore constitutes a final consolidated decision, and because Mr. Trahant timely filed a notice of appeal within 30 days thereafter on July 14, 2023. ROA.4748-92, 4793-94.

and in assessing fees,” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 50, 111 S.Ct. 2123, 2136, 115 L.Ed.2d 27 (1991) (emphasis added).

As such, the court of appeals’ decision squarely presents a fundamental constitutional question of nationwide importance that affects litigants and their attorneys in federal courts across the country, including in civil, bankruptcy, and administrative proceedings. The decision conflicts with controlling precedent of this Court and the court of appeal’s own precedents governing otherwise well-established requirements of due process in contempt proceedings, and creates uncertainty and a split in practice about the minimum procedural protections required prior to a contempt finding. This Court therefore should grant Mr. Trahan’s petition for certiorari to answer the question presented in the affirmative by holding that the Due Process Clause requires notice and an opportunity to be heard before a court may enter a finding of contempt against a person, even where the court reserves assessment of monetary sanctions for a later proceeding.

A. Facts

Mr. Trahan is state court co-counsel of record for more than eighty sexual abuse victim-survivors appearing as creditors against the debtor in bankruptcy, The Roman Catholic Church of the Archdiocese of New Orleans (the “Debtor”), in this Chapter 11 bankruptcy proceeding. ROA.9786, 10756-63. On August 3, 2020, the U.S. Trustee (the “UST”) appointed four of Mr. Trahan’s victim-survivor clients, James Adams, Theodore Jackson, Jackie Berthelot, and Eric Johnson (the “Abuse Claimants”), to the Official Committee of

Unsecured Creditors (the “Committee”) in the bankruptcy proceeding. ROA.1069-70.

On August 3, 2020, the bankruptcy court entered a Protective Order, as subsequently amended, governing the use and disclosure of discovery materials. ROA.1048-68, 1076-96, 1135-39, 1152-56. The Protective Order as amended applies to the Debtor, the creditor committees, certain “creditors or other constituents” of the Debtor, and “any other persons or entities who become bound by this Protective Order” by signing a confidentiality statement. ROA.1076, 1152.

The Protective Order provides in pertinent part that “information that is in the public domain at the time of disclosure to a Receiving Party or becomes part of the public domain after its disclosure to a Receiving Party as a result of publication not involving a violation of this Protective Order . . . shall not be governed by this Protective Order even in the event that it is produced during discovery in this matter.” ROA.1088. The Protective Order further provides in pertinent part that “A Receiving Party shall not be obligated to challenge the propriety of a confidentiality designation at the time of its receipt of Discovery Material, and a failure to do so shall not preclude or be deemed to preclude a subsequent challenge thereto.” ROA.1082-83.

Based on the Protective Order, the Debtor designated the vast majority of the documents it produced in discovery in the bankruptcy proceeding as “Confidential,” resulting in the indiscriminate filing of thousands of pages of documents under seal in the bankruptcy court, the district court, and the court of

appeals. ROA.4813-10400, 14153-14155.² As counsel for the Abuse Claimants in their capacities as members of the Committee at that time, Mr. Trahant had access to documents the Debtor designated “Confidential” and produced in discovery to the Committee, including “documents related to the Archdiocese’s internal investigation of decades-old abuse allegations against a specific priest” (App.4a-5a). ROA.6374-76.

After learning of the sexual abuse allegations against the priest, Mr. Trahant “became concerned that the priest remained a threat to underage high school students . . .” (App.5a). ROA.6394-6401, 7238-40. Mr. Trahant then “contacted his cousin, the principal of a local high school, to determine whether the priest was still employed as the high school’s chaplain,” which his cousin confirmed in a text message (App.5a). ROA.6394-6401, 7238-40. The next day, Mr. Trahant sent an email to a journalist with the priest’s name in the subject line, identifying where the priest was employed, and advising the journalist to “Keep this guy on your radar” (App.5a). ROA.6402, 7240-42.

² Virtually all of the thousands of pages of documents filed under seal remain under seal, ROA.4813-10400, 14153-14155, with the result that Mr. Trahant is precluded from disclosing any information contained in those documents herein, including exculpatory material, except to the limited extent that the court of appeals disclosed them in its Opinion as cited herein (App.1a). Mr. Trahant also was forced to file each of his principal and reply briefs under seal in the district court and court of appeals because they contained information derived from sealed documents, and those briefs remain under seal as well, to Mr. Trahant’s continuing detriment (CA Docs. 54-55, 62, 75-77, 82). ROA.9644-10400. The Archdiocese, on the other hand, filed all of its briefs in the public record, so they alone remain accessible to the public (CA Docs. 74), ROA.4437-87.

Shortly thereafter, Mr. Trahant attended a Committee meeting and specifically requested that the Committee notify the Debtor and high school of the allegations against the priest to ensure that the priest was removed from the high school (App.5a). ROA.6471-73, 7245, 7252. In response, the Debtor notified the Committee that an unidentified person had previously contacted the high school about the allegations and allegedly “had leaked confidential information to officials at the high school” (App.6a). About three weeks later, the journalist whom Mr. Trahant had contacted published an article disclosing details about the sexual abuse allegations against the priest employed as the high school chaplain (App.6a). ROA.5468-72, 7241-42, 7263-69, 9703-07.

On January 20, 2022, the Debtor filed a “Motion for Entry of an Order: (A) Compelling the Tort Committee and/or Its Counsel to Answer Identified Questions, and (B) Setting an Evidentiary Hearing on Sanctions for Violation of Protective Order” under seal (App.6a, 199a). ROA.1170, 4863-73. In the motion, the Debtor asked the bankruptcy court “to conduct an evidentiary hearing and to consider imposing sanctions” against any person or persons found to be in violation of the Protective Order (App.6a). ROA.4863. The bankruptcy court held *in camera* status conferences on the Debtor’s motion for an evidentiary hearing on January 27, 2022, February 11, 2022, March 11, 2022, and April 14, 2022, but *prohibited* Mr. Trahant and his co-counsel for the Abuse Claimants from attending any but the first of those four status conferences (App.179a, 182a, 189a, 192a, 194a). ROA.1172, 1175, 1178, 1248, 1290, 1838, 3128, 9437, 9499.

During this time, Mr. Trahant and his co-counsel repeatedly requested “a meet and confer with the Debtor’s counsel” regarding the Debtor’s motion, but the Debtor’s counsel refused (App.201a). ROA.3406. Mr. Trahant and his co-counsel also requested the opportunity to participate in the status conference scheduled for February 11, 2022 in the bankruptcy court, specifically to discuss “who communicated with any [high school] representative or proxy about [the priest]” (App.201a). ROA.3406. The bankruptcy court responded by ordering that “only counsel for the Parties and the United States Trustee may attend the in-person, *in camera* status conference . . .” (App.189a). ROA.1178. Mr. Trahant and his co-counsel then filed a formal “Motion to Participate in Discovery” on February 22, 2022, but the bankruptcy court never ruled on the merits of the motion (App.203a). ROA.1266, 1643, 1697, 5001-17. On April 13, 2022, Mr. Trahant submitted a “Declaration” to the bankruptcy court disclosing the extent of his communications with the principal of the high school, and attesting that he “did not provide any ‘confidential’ documents to or discuss the contents of any ‘confidential’ documents with [the principal],” and that he “did not disclose or disseminate any documents marked in any way confidential, the contents of documents, or any other information produced by the Debtor to [the journalist] . . .” (App.206a Declaration ¶¶ 10, 15). ROA.5052-55, 13098-13101.

On April 25, 2022, the bankruptcy court issued an Order directing the UST “to file under seal and hand-deliver to the Court a Statement of Position on or before Friday, June 3, 2022 as to the allegations made by the debtor in the Motion regarding the dis-

semination of highly confidential information governed by the Protective Order in this case made between December 2021 and January 2022 to third parties and the media” (App.175a). ROA.1370. The bankruptcy court further ordered: “Upon reviewing the United States Trustee’s Statement of Position, the Court will schedule a further hearing to determine what action, if any, should be taken” (App.175a). ROA.1370. The next day, the Archdiocese filed a “Notice of Withdrawal” of its “Motion for Entry of an Order . . . Setting an Evidentiary Hearing on Sanctions for Violation of Protective Order” without explanation (App.211a). ROA.1372.

B. Procedural History

The next thing Mr. Trahant knew, the bankruptcy court, acting *sua sponte* without any notice or hearing, entered an “Order” dated June 7, 2022 (App.164a) finding that Mr. Trahant allegedly “provided on multiple occasions confidential information he received to a third party and the media in direct violation of this Court’s Protective Order”; that the alleged “disclosures and violation of the Protective Order was knowing and willful”; and that the alleged breach “disqualifies him from further receiving Protected Material in this case and participating in any confidential Committee proceedings, including meetings, deliberations, and mediation.” ROA.22, 24-26. The Bankruptcy Court further found that “the Court is forced to impute Trahant’s actions to those of his clients on the Committee . . . ,” and ordered the UST to “immediately relieve [the Abuse Claimants] from service on the Committee. . . .” ROA.24-26. “The Court will issue a separate Order To Show Cause,” the Court announced, “to determine appropriate sanctions for Trahant’s disclosure of confid-

ential information in violation of this Court’s Protective Order.” ROA.26. The Bankruptcy Court cited 11 U.S.C. §§ 105(a) and 1102(a)(4) as authority for the Order (App.164a). ROA.26.

The bankruptcy court issued the June 7, 2022 Order approximately one hour before mediation was set to begin in the bankruptcy proceeding, for which the Committee, including the Abuse Claimants and Mr. Trahant, had prepared extensively. ROA.989. Later the same day, the UST formally removed the Abuse Claimants from the Committee pursuant to the Order (App.215a). ROA.1574. The Abuse Claimants and their counsel, including Mr. Trahant, therefore were excluded from participation in mediation or in the formulation of a plan as members of the Committee, and would no longer have access to documents and information produced in discovery in the bankruptcy proceeding. ROA.989.

In the June 7, 2022 Order, the bankruptcy court identified and relied upon the UST Report and accompanying documents, ROA.5339-9434, summarized as follows:

The Court has reviewed the UST Report and the attachments thereto, which include 78 sworn declarations; 18 transcripts of sworn examinations provided under Rule 2004 of the Federal Rules of Bankruptcy Procedure; one transcript and one summary of two unsworn telephonic interviews; and numerous documents produced to the UST pursuant to Rule 2004, including relevant telephone and text message logs, electronic transaction reports, and e-mail and letter correspondence.

(App.166a). ROA.23-24. However, the UST Report and attachments were filed under seal without service or access to Mr. Trahant, his co-counsel, or their clients the Abuse Claimants, and as the bankruptcy court observed in the Order, “The UST Report remains under seal at this time” (App.166a, App.213a). ROA.23, 25, 1568, 5339-9434. As a result, neither Mr. Trahant, his co-counsel, the Abuse Claimants, nor the public had access to the factual basis of the bankruptcy court’s June 7, 2022 Order holding Mr. Trahant in contempt, disqualifying him from participating in proceedings of the Committee, imputing his alleged conduct to the Abuse Claimants, and ordering the UST to remove the Abuse Claimants from the Committee (App.164a). ROA.22-26.³

In contrast to the secrecy of the factual basis of the bankruptcy court’s June 7, 2022 Order, and the sealing of the UST Report and accompanying documents that the bankruptcy court reportedly relied on in the Order, the Archdiocese very publicly disseminated

³ Although the UST Report was filed under seal and remains under seal in the bankruptcy court, the district court, and the court of appeals, THE GUARDIAN newspaper reports that it used a public records request to obtain the report from “New Orleans state prosecutors in their aggravated rape and kidnaping case against Lawrence Hecker, a self-admitted child molester and retired local archdiocesan priest.” Vargas, R.A., Hammer, D. (Mar. 31, 2025), *Judge disregards bankruptcy trustee’s recommendation and punished New Orleans clergy abuse survivors*, THE GUARDIAN, <https://www.theguardian.com/us-news/2025/mar/31/new-orleans-archdiocese-child-sex-abuse-settlement>. (insert dash for spaces) Notably, the report publishes substantial exculpatory findings that are not mentioned in the bankruptcy court’s, district court’s, or court of appeals’ opinions, but that remain under seal in each of those courts (App.1a, App.34a, App.97a, App.118a, App.120a, App.160a, App.164a). ROA.22-26, 4748-92, 10409-38.

copies of the Order by First Class U.S. Mail to 16,387 recipients on June 16, 2022, including 11,655 recipients whose names and addresses are “intentionally omitted” from the 586-page mailing matrix. ROA.11619-12212. Subsequently, many of those recipients contacted Mr. Trahant and his family and friends with questions and concerns about the unfounded allegations against him in the Order, and the Order has caused some of Mr. Trahant’s clients and other lawyers to question his good name, reputation, honor, and integrity. ROA.650.

Mr. Trahant appealed the June 7, 2022 Order to the district court on June 10, 2022, which docketed the appeal as Case No. 22-1740. ROA.18-21. On June 13, 2022, after Mr. Trahant’s appeal of the June 7, 2022 Order, the bankruptcy court issued an Order that Mr. Trahant appear and show cause “as to why he should not be sanctioned” for his alleged “willful violation of this Court’s Protective Order” (App.160a, App.162a). ROA.1611-13. The Bankruptcy Court also ordered the UST to provide access to the sealed UST Report and attachments to Mr. Trahant and his counsel for the first time (App.162a-163a). ROA.1612-13. Nevertheless, Mr. Trahant and his counsel did not actually obtain access to the sealed UST Report and its attachments until August 15, 2022, long after the June 7, 2022 Order finding him in contempt. ROA.1613, 3089-94.

On August 8, 2022, Mr. Trahant filed “Objections to Order to Show Cause and to Impositions of Additional Sanctions” in the bankruptcy court (App.217a), ROA.12795-12804, objecting in pertinent part as follows:

10. The sole alleged grounds for impositions of additional sanctions against Mr. Trahant

pursuant to the Order to Show Cause are those set forth in the June 7, 2022 Order holding him in contempt without due process of law (Bankr. Docs. 1574, 1589). Like the June 7, 2022 Order, the Order to Show Cause deprives Mr. Trahant of the right to due process of law by subjecting him to sanctions for alleged conduct that was adjudged to be contempt in the June 7, 2022 Order without notice, without a hearing, without an opportunity to present a defense, and based on a sealed record and secret factual and legal bases (Bankr. Docs. 1574, 1589). The denial of procedural due process that fatally infects the June 7, 2022 Order thus fatally infects the Order to Show Cause, and any imposition of additional sanctions will further deprive Mr. Trahant of protected property and liberty interests without due process of law in violation of the Fifth Amendment (Bankr. Docs. 1574, 1589).

(App.226a-227a). ROA.12802-03.

The bankruptcy court held the “show cause” hearing on August 22, 2022. ROA.10213-10330. At the hearing, the only evidence offered and accepted in evidence was the testimony of Mr. Trahant. ROA. 10213-10330. Neither the UST, the Archdiocese, nor the Committee chose to cross-examine Mr. Trahant or to introduce any testimony or document into evidence. ROA.10242-57.

On October 11, 2022, the bankruptcy court entered an Order imposing monetary sanctions against Mr. Trahant in the sum of \$400,000.00 (App.120a, App.158a-159a). ROA.10409-38. In the Order, the

court acknowledged that it had already “made a finding of contempt” against Mr. Trahant in the June 7, 2022 Order, where it “based its finding that Trahant violated the Protective Order primarily upon the factual findings contained in the UST Report . . .” (App.145a n.21, App.155a). ROA.10427 n. 21, 10434. The Court did not, however, acknowledge that Mr. Trahant had no access to the UST Report or its attachments prior to the June 7, 2022 Order, or that it entered the June 7, 2022 Order without notice to Mr. Trahant or a hearing, or that neither the UST Report, its attachments, the parties’ attorney fee statements, nor any other document or testimony was introduced in evidence at the show-cause hearing on August 22, 2022 (App.120a).

Mr. Trahant separately appealed the bankruptcy court’s October 11, 2022 Order to the district court on October 21, 2022, which docketed the appeal as Case No. 22-4101. ROA.10405-08. The district court subsequently denied the Archdiocese’s motion to dismiss Mr. Trahant’s previous appeal of the June 7, 2022 Order, finding the Order and appeal “appear to satisfy the finality and contempt elements required for this appeal to proceed forward,” and it continued to exercise jurisdiction over the appeal (App.171a). ROA.1000-02. The district court then consolidated Mr. Trahant’s appeals (App.185a, App.187a). ROA. 4005-06.

On March 27, 2023, the District Court issued an Opinion affirming both the June 7, 2022 and October 11, 2022 Orders of the bankruptcy court (App.97a). ROA.4568-82. However, the then-presiding district judge subsequently recused himself “in order to avoid any possible appearance of personal bias or prejudice” (App.118a). ROA.4654. The consolidated appeals and

pending motions for rehearing then were re-allotted to a new district judge, who entered an Opinion on June 21, 2023 withdrawing the recused judge's prior Opinion and substituting a new Opinion for it, but again affirming the bankruptcy court's June 7, 2022 and October 11, 2022 Orders for different reasons (App.34a, App.83a). ROA.4748, 4782.

Mr. Trahant timely appealed the district court's decision in the June 21, 2023 Opinion to the court of appeals on July 14, 2023.⁴ ROA.4793-4801. Following briefing and oral argument, the court of appeals issued an Opinion on January 2, 2026 affirming "the district court's judgment affirming the bankruptcy court's finding of contempt and imposition of sanctions" in the June 7, 2022 and October 11, 2022 Orders (App.28a). The court of appeals denied rehearing on February 9, 2026 (App.197a) and entered a Judgment of Mandate on February 18, 2026 (App.29a).

⁴ On August 9, 2023, Mr. Trahant filed a "Motion to Unseal Record on Appeal" in the court of appeals (CA Doc. 25), in pertinent part on the grounds that "Neither the District Court nor the Bankruptcy Court engaged in any analysis before ordering all of these documents to be placed under seal . . ." (CA Doc. 25 p. 9). However, the court of appeals denied the motion without reasons on August 16, 2023 (App.32a), with the result that more than 5,000 pages of the record on appeal remain under seal at the time of this writing. *Cf.* Epstein Files Transparency Act, 139 Stat. 656, Pub. L. 119-38 (2025) (requiring Attorney General to make publicly available all materials relating to Jeffrey Epstein or Ghislaine Maxwell, including materials that may cause "embarrassment, reputational harm, or political sensitivity, including to any government official, public figure, or foreign dignitary," with exceptions including "the segregable portions of records" that "contain personally identifiable information of victims . . ." and that "depict or contain child sexual abuse materials . . .").

In support of the appeal, Mr. Trahant argued that the bankruptcy court's June 7, 2022 Order finding him in contempt without notice of any charges against him, and without any hearing or access to pertinent portions of the record, violated his right to due process, among other arguments that are not at issue in this petition for certiorari (CA Docs. 55, 77, 114 Trahant Briefs). The court of appeals disagreed, reasoning that "Although the bankruptcy court made a preliminary finding that Trahant violated the protective order, it did not sanction Trahant for his conduct at that time" (App.12a). The court of appeals found instead that "the bankruptcy court did not consider its decision regarding Trahant's conduct to be final," and it distinguished a case in which an attorney "raised his due process claim only *after* the contempt proceeding was completed" (App.14a-15a).⁵ The court of appeals concluded in pertinent part:

By contrast, Trahant's due process claim pertains to a proceeding that was still ongoing. The June 7, 2022 Order stated that the bankruptcy court would issue a separate show-cause order, which provided Trahant adequate notice and the opportunity to rebut the allegations. These procedural safeguards satisfy what due process demands before a court enters a final contempt order.

(App.15a) (footnote omitted).

⁵ See *Waste Mgt. of Wash., Inc. v. Kattler*, 776 F.3d 336, 340-41 (5th Cir. 2015) (vacating "the contempt order as it pertains to Moore" where the district court's notice of an evidentiary hearing "did not signal to Moore that he could be found in contempt because it identified Kattler alone as the party whose contempt liability was to be adjudicated."



REASONS FOR GRANTING THE PETITION

This Honorable Court should grant certiorari in this case because the court of appeals has decided a federal constitutional question in a way that conflicts with applicable decisions of this Court. Specifically, the court of appeals' decision that the bankruptcy court's post-contempt show-cause order allegedly satisfied the requirements of due process conflicts with decisions of this Court holding that due process requires pre-hearing notice of contempt charges and "a reasonable opportunity to meet them by way of defense or explanation." *Cooke v. United States*, 267 U.S. 517, 537, 45 S.Ct. 390, 395, 69 L.Ed. 767 (1925) (emphasis added). "A court must, of course, exercise caution in invoking its inherent power, and it must comply with the mandates of due process, both in determining that the requisite bad faith exists and in assessing fees." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 50, 111 S.Ct. 2123, 2136, 115 L.Ed.2d 27 (1991) (citation omitted).

Neither the Archdiocese, the UST, nor any party in interest made a motion for an order of contempt or sanctions against Mr. Trahant at any time. Instead, the bankruptcy court acted *sua sponte* pursuant to 11 U.S.C. § 105(a), which provides in pertinent part: "No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, *sua sponte*, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process" (App.169a). ROA.26.

But although § 105(a) authorizes the bankruptcy court to act *sua sponte* in certain circumstances, it does not authorize the court to find a person in contempt without due process of law under the Fifth Amendment to the U.S. Constitution.

The Due Process Clause of the Fifth Amendment provides in pertinent part that “No person shall be . . . deprived of life, liberty, or property, without due process of law. . . .” U.S. Const. Amend. V.⁶ “Where a person’s good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential.” *Wisconsin v. Constantineau*, 400 U.S. 433, 437, 91 S.Ct. 507, 510, 27 L.Ed.2d 515 (1971). “Due process of law, therefore, in the prosecution of contempt, except of that committed in open court, requires that the accused should be advised of the charges and have a reasonable opportunity to meet them by way of defense or explanation.” *Cooke*, 267 U.S. at 537 (citations omitted).

In *Constantineau*, a local police chief posted a notice in liquor stores that sales or gifts of alcohol to the appellee were forbidden because of alleged “excessive drinking.” *Id.* at 434-35, 91 S.Ct. at 508-09. The Court held:

The only issue present here is whether the label or characterization given a person by ‘posting,’ though a mark of serious illness to some, is to others such a stigma or badge of disgrace that procedural due process requires

⁶ See also U.S. Const. Amend. XIV (“nor shall any State deprive any person of life, liberty, or property, without due process of law . . .”).

notice and an opportunity to be heard. We agree with the District Court that the private interest is such that those requirements of procedural due process must be met.

Id. at 435, 509.⁷ Similarly in this case, the June 7, 2022 Order caused severe damage to Mr. Trahant's good name, reputation, honor, and integrity on its face, and it required adequate pre-deprivation notice, an opportunity to be heard, and all of the other requirements of due process as a matter of law. ROA.650, 10313:12-15:1.

In the January 2, 2026 Opinion, the court of appeals reasoned that the June 7, 2023 Order did not violate Mr. Trahant's right to due process because "Although the bankruptcy court made a preliminary finding that Trahant violated the protective order, it did not sanction Trahant for his conduct at that time" (App.12a). But the June 7, 2022 Order does not support the court of appeal's reasoning. In the June 7, 2022 Order, the bankruptcy court expressly declared conclusively that Mr. Trahant allegedly "provided on multiple occasions confidential information he received to a third party and the media in direct violation of this Court's Protective Order," declared conclusively that his alleged violation was "knowing and willful," and immediately and permanently disqualified him

⁷ *Cf. Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 573, 92 S.Ct. 2701, 2707, 33 L.Ed.2d 548 (1972) ("The State, in declining to rehire the respondent, did not make any charge against him that might seriously damage his standing and associations in his community. It did not base the nonrenewal of his contract on a charge, for example, that he had been guilty of dishonesty, or immorality. *Had it done so, this would be a different case*") (citations omitted; emphasis added).

from participating in Committee proceedings, imputed his actions to the Abuse Claimants, and ordered the Archdiocese to serve the Order on “parties in interest,” resulting in its mailing to no less than 16,387 mostly unidentified recipients (App.168a-170a). ROA.24-26, 11619-12212.⁸ The bankruptcy court further directly contradicted the court of appeals’ reasoning in the October 11, 2022 Order, where the bankruptcy court expressly acknowledged that it “*made a finding of contempt*” and a “*finding that Trahant violated the Protective Order*” against Mr. Trahant in the June 7, 2022 Order (App.145a n.21, App.155a). ROA.13186 n.21, 13193 (emphasis added).

Yet, Mr. Trahant was not afforded any of the requirements of due process before being held in contempt in the June 7, 2022 Order. He was not served with an order to show cause, notice of hearing, or other form of notice identifying him as a person who might be held in contempt.⁹ The “Motion for Entry of

⁸ *But see The Guardian, supra* note 5.

⁹ *See CEATS, Inc. v. TicketNetwork, Inc.*, 71 F.4th 314, 324 (5th Cir. 2023) (vacating sanctions order against individuals who “learned that they *might* face sanctions at the same time that they learned that they *would* face sanctions”) (emphasis in original); *Test Masters Ed. Serv., Inc. v. Robin Singh Ed. Serv., Inc.*, 799 F.3d 437, 451, 456 (5th Cir. 2015) (vacating contempt order against attorney for alleged contemnor where order to show cause gave him “no notice that *he* may potentially be held in contempt”) (emphasis added); *Waste Mgt.*, 776 F.3d at 340-41 (vacating district court’s “contempt order as it pertains to Moore,” reasoning that the district court’s notice of an evidentiary hearing “did not signal to Moore that *he* could be found in contempt because it identified Kattler alone as the party whose contempt liability was to be adjudicated”) (emphasis added); *Goldin v. Bartholow*, 166 F.3d 710, 722-23 (5th Cir. 1999) (reversing district court order imposing sanctions where there was “nothing

an Order . . . Setting an Evidentiary Hearing on Sanctions for Violation of Protective Order” that the Archdiocese filed under seal on January 20, 2022 did not identify Mr. Trahant as an alleged contemnor and was withdrawn on April 26, 2022 without any public ruling on it (App.199a, App.211a). ROA.1170-71, 1372-73, 4830-53. Mr. Trahant was not privy to any of the discussions among the bankruptcy court and counsel for the UST, the Archdiocese, and the Committee in sealed status conferences held on February 11, March 11, and April 14, 2022 (App.179a, App.182a, App.189a, App.192a, App.194a). ROA.1175, 1248, 1290, 1838, 3587, 3640, 3673. The bankruptcy court’s Order dated April 25, 2022 ordering the UST to investigate alleged Protective Order violations did not identify Mr. Trahant as a target of the investigation (App.175a). ROA.1369-71. Mr. Trahant had no access to the contents of the sealed UST Report or its voluminous sealed attachments that the UST submitted to the bankruptcy court just days before the entry of the June 7, 2022 Order and that the bankruptcy court

in the record which would give any notice to Goldin that he might be held *personally* liable as a sanction for his conduct”) (emphasis in original); *McGuire v. Sigma Coatings, Inc.*, 48 F.3d 902, 903, 907 (5th Cir. 1995) (vacating district court order imposing sanctions on in-house counsel for defendant where the district court “had not issued a show cause or similar order or process that would have put [the attorney] on notice that sanctions were being considered against *him personally*”) (emphasis added); *United States v. Peterson*, 456 F.2d 1135, 1139-40 (10th Cir.1972) (“The Notice given did not in anywise use the word ‘contempt’ or even intimate that Bullock was to be tried for criminal contempt. Bullock was not afforded an opportunity to prepare or to obtain counsel and he was not advised of the nature of the proceedings. In short, Bullock was denied fundamental procedural due process”).

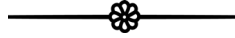
expressly “adopted . . .” (App.160a, App.164a, App. 213a). ROA.1568-69, 1611.¹⁰

Moreover, no case law supports the court of appeals’ reasoning that due process allegedly is not required to hold a person in contempt unless sanctions are imposed at the same time, or unless the contempt order is otherwise final and appealable (App.12a-15a). “A court must, of course, exercise caution in invoking its inherent power, and it must comply with the mandates of due process, *both in determining that the requisite bad faith exists and in assessing fees.*” *Chambers*, 501 U.S. at 50, 111 S.Ct. at 2136 (citation omitted; emphasis added). So even if the non-monetary sanctions imposed in the Bankruptcy Court’s June 7, 2022 Order were deemed to be non-sanctions, the Order finding Mr. Trahant in willful contempt without pre-deprivation notice or a hearing violates his right to due process.

Under any scenario, due process was constitutionally required for the express “*finding of contempt*” against Mr. Trahant in the June 7, 2022 Order (App.145a n.21; App.164a). ROA.22-26, 13186 n.21, 13193 (emphasis added). Without it, the June 7, 2022 Order is invalid for lack of due process as a matter of law. And without a valid finding of contempt, the

¹⁰ See *In re Oliver*, 333 U.S. 257, 270-71, 68 S.Ct. 499, 506, 92 L.Ed. 682 (1948) (“Without publicity, all other checks are insufficient: in comparison of publicity, all other checks are of small account. Recordation, appeal, whatever other institutions might present themselves in the character of checks, would be found to operate rather as cloaks than checks; as cloaks in reality, as checks only in appearance”) (quoting 1 Jeremy Bentham, RATIONALE OF JUDICIAL EVIDENCE 524 (1827)).

October 11, 2022 Order imposing monetary sanctions is invalid as well.



CONCLUSION

Due process protects liberty interests including a person's interest in his good name, reputation, honor, and integrity, from judicial action taken without notice and an opportunity to be heard. A contempt finding that declares conclusively that a person violated a court order knowingly and willfully is precisely the kind of injury that triggers due process protections. The timing or form of later monetary sanctions cannot retroactively cure the constitutional defect of an earlier prejudicial contempt adjudication entered without notice or a hearing.

Uniformity and predictability require this Court's intervention. The court of appeals' rule that due process is unnecessary so long as monetary sanctions are deferred to a later date conflicts with this Court's and the court of appeals' own prior decisions requiring adequate notice *before* entering contempt findings that stigmatize or disgrace a person. This Court's review is necessary to resolve whether courts may enter such contempt findings without affording the accused the basic procedural protections guaranteed by the Due Process Clause, even where the court reserves assessment of monetary sanctions for a later proceeding. The question is outcome determinative and warrants this Court's review to restore uniform constitutional standards.

For these reasons, Mr. Trahant respectfully prays that this Honorable Court grant his petition for certiorari to answer the question presented in the affirmative by holding that the Due Process Clause requires notice and an opportunity to be heard before a court may enter a finding of contempt against a person, even where the court reserves assessment of monetary sanctions for a later proceeding.

Respectfully submitted,

/s/ Jack E. Morris

Jack E. Morris

Counsel of Record

JACK E. MORRIS, ATTORNEY AT LAW, LLC

4051 Veterans Boulevard, Suite 208

Metairie, LA 70002

(504) 454-2769

jem@jemorrislaw.com

Paul M. Sterbcow

LEWIS, KULLMAN, STERBCOW & ABRAMSON

601 Poydras Street, Suite 2615

New Orleans, LA 70130

Richard C. Trahant

ATTORNEY AT LAW

2908 Hessmer Avenue

Metairie, LA 70002

Counsel for Petitioner

May 1, 2026