

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.J. LBR 9004-1	
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In re: THE DIOCESE OF CAMDEN, NEW JERSEY, Debtor.	Chapter 11 Case No. 20-21257 (JNP)

**OBJECTION OF THE OFFICIAL COMMITTEE OF TORT CLAIMANT CREDITORS
TO THE DIOCESE’S MOTION FOR ENTRY OF AN ORDER ESTABLISHING A
DEADLINE FOR FILING PROOFS OF CLAIM AND APPROVING
THE FORM AND MANNER OF NOTICE THEREOF**

The Official Committee of Tort Claimant Creditors (the “**Committee**”) of The Diocese of Camden, New Jersey (the “**Debtor**” or the “**Diocese**”), objects (this “**Objection**”) to the *Diocese’s Motion for Entry of an Order Establishing a Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Dkt. 74] (the “**Bar Date Motion**”).¹ In support of this Objection, the Committee concurrently files the Declaration of Marci Hamilton (the “**Hamilton Decl.**”) and states as follows:

¹ Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Bar Date Motion or the Hughes Decl. (defined below).

I.

PRELIMINARY STATEMENT²

1. After extensive deliberation, the New Jersey Legislature recently sought to protect the rights of childhood sexual abuse survivors by establishing the New Jersey Child Victim’s Act. Through the NJCVA, childhood sexual abuse survivors have until at least November 30, 2021 to bring previously time-barred claims based on their abuse. Yet through the Bar Date Motion, the Debtor seeks to trample on the rights just revived for survivors by setting a claims bar date in approximately thirty days. The Debtor’s attempt to erase the hard-fought legislative win for childhood sexual abuse survivors should be denied for several reasons:

2. ***First, the New Jersey Legislature’s decision should be honored by this Court.***

While on one hand, the Debtor appears to acknowledge its moral obligation to compensate the survivors of sexual abuse, (*see Declaration of Reverend Robert E. Hughes Regarding Structure and Pre-Filing History of the Diocese of Camden, New Jersey, and in Support of the Chapter 11 Petition and First Day Pleadings* [Dkt. 3] (the “**Hughes Decl.**”) ¶ 118 (the Debtor “does not seek to avoid responsibility for the past misconduct by clergy or for the acts or [sic] omissions on the part of its past bishops . . . or deny any person a day in court.”)), it simultaneously seeks to unilaterally undo the enactment of the New Jersey Child Victim’s Act by cutting the statute of limitations for some survivors by nine months and, for others, by thirty years or more. The Debtor justifies its request by prioritizing reducing the “cost to the Diocese” over the rights of survivors. This Court should not allow economics to justify stripping survivors of the right to be heard. In fact, the Committee believes that the Debtor filed this Chapter 11 Case for the improper purpose of gaining a litigation advantage against the sexual abuse survivors—the

² Capitalized terms not defined in this Preliminary Statement shall have the meaning ascribed to them in this Objection.

setting of an abridged claims bar date is a means to that end. One could argue that this Chapter 11 Case ought to be dismissed based on the Debtor's bad faith on these grounds alone.

3. Recently, the bankruptcy court overseeing The Diocese of Buffalo, NY bankruptcy case held that it should honor the New York legislature's decision to reopen the statute of limitations, and declined to cut short the recently reopened limitations period. *In re The Diocese of Buffalo, N.Y.*, 620 B.R. 445, 452 (Bankr. W.D.N.Y. 2020) (the "**Buffalo Diocese Bar Date Decision**") ("In reopening the statute of limitations, the CVA expressed a policy decision that deserves the respect of this Court."). This Court should so follow.

4. ***Second, this is not a routine Chapter 11 case and it cannot be treated as such.*** The primary creditors in this Chapter 11 Case are not voluntary trade creditors. Rather, the creditor body here substantially consists of those who have experienced horrific childhood sexual abuse for which the Debtor is responsible. As set forth in detail in the Hamilton Decl., most survivors do not disclose their sexual abuse until well into adulthood; the average age of disclosure of childhood sexual abuse is 52, if they ever come forward. *See* Hamilton Decl. ¶ 37. Even as an adult, disclosure is a difficult and emotionally complex process, which involves understanding that he or she was abused, being willing to identify as an abuse survivor, and deciding to take action. *See id.* ¶ 38. Once a claimant has received the notice of a deadline to take action, many will require a period of reflection before being able to come forward and file a proof of claim. *See id.* Yet through the Bar Date Motion, the Debtor asks this Court to ignore the wealth of research dedicated to understanding the unique and lifelong injury caused by childhood sexual abuse.

5. ***Third, cutting the statute of limitations short will create confusion given the widely publicized November 30, 2021 deadline to bring an Abuse Claim.*** If the Debtor has its

druthers, survivors will have a deadline of thirty or so days to file their claims against the Debtor but the November 30, 2021 deadline for which to bring claims against the parishes, schools, and any other non-debtor parties (unless the Debtor's Plan, complete with a channeling injunction, is confirmed) will remain. The risks and consequences of confusion outweigh any need to hasten this case.

6. *Finally, the proposed Abuse Claim Form poses unnecessary questions more pertinent to obtaining discovery for defense of claim purposes than for eliciting information on the basis for the claim.* The Debtor's proposed Abuse Claim Form will likely have the effect of discouraging survivors of childhood sexual abuse from filing claims against the Diocese, running contrary to the very purpose of this case: to right the wrongs inflicted on children at the hands of the Diocese.

II.

BACKGROUND

7. From 1990 to 2019, the Debtor paid out ninety-nine settlements to sexual abuse survivors. From 2019, when the statute of limitations for abuse claims was reopened, through the Petition Date, the number of sexual abuse survivors coming forward against the Diocese, by filing lawsuits or otherwise, *nearly tripled*, confirming the efficacy of the reopened statute of limitations.

8. On October 1, 2020 (the "**Petition Date**"), the Debtor filed a voluntary petition for relief under Chapter 11 of title 11 of the United States Code (the "**Bankruptcy Code**") in this Court.

9. There are sixty-two parishes within the Debtor's territory and at least twenty-seven schools³ (together, the "**Non-Debtors**") operating in conjunction with the Diocese. *See* Hughes Decl. ¶¶ 57, 63–65.

10. The Non-Debtors, as the name implies, are *not* debtors in this Chapter 11 Case and have not otherwise sought relief under the Bankruptcy Code. The Debtor insists that the Non-Debtors are separate civil corporations with their own employees and maintain their own books, records, bank accounts, and employee payrolls. *Id.* ¶ 55.

11. The Debtor asserts that the purpose of this Chapter 11 Case is, in part, "maximizing its assets *for the benefit of all individuals presenting bona fide claims of abuse . . .*" *Id.* ¶ 7 (emphasis added). Indeed, the Debtor's schedules—listing over \$53 million in assets compared to about \$25 million in liabilities—establishes that this Chapter 11 Case was not commenced to address any current financial difficulties the Diocese was facing. *See Official Form 202*, Dkt. 41. Moreover, the Debtor's petition does not list the assets of the Non-Debtors or The Diocese of Camden Trusts, Inc., valued at over \$77 million, all of which may constitute property of the estate. Thus, the purpose of the Debtor's bankruptcy filing is transparent: to abruptly and unfairly cap the Diocese's legal obligation for years of sexual abuse of children.

12. On October 23, 2020, the Office of the United States Trustee appointed the Committee under Section 1102(a) of the Bankruptcy Code. Dkt. 111.

13. On December 31, 2020, the Debtor filed a *Plan of Reorganization* (the "**Plan**") and *Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code Describing Chapter 11 Plan Proposed by the Debtor-in-Possession* (the "**Disclosure Statement**"). Dkts. 306, 305. Through the Plan, the Debtor seeks a channeling injunction and broad (although impermissible)

³ It is unclear from the Hughes Declaration and the Diocese website exactly how many schools are affiliated with the Debtor.

third-party releases all without subjecting the Non-Debtors to the burdens of a bankruptcy filing or the Non-Debtors' agreement to be transparent about their finances and the countless transactions between them and the Diocese.

III.

BARRIERS TO DISCLOSURE OF SEXUAL ABUSE AND STATUTE OF LIMITATIONS REFORM

A. Impact of Childhood Sexual Abuse on Survivors

14. Without understanding their suffering, one cannot appreciate how difficult it is to provide fair notice to survivors of childhood sexual abuse. Childhood sexual abuse can lead to post-traumatic effects such as:

- intrusive recollections of sexual abuse incidents;
- cognitive distortions such as beliefs that an individual is only good for having sex or that the world is inherently unsafe;
- altered emotionality, including depression and anxiety;
- dissociation;
- impaired self-reference or a profoundly negative view of oneself and one's skills and abilities;
- disturbed relatedness such as the inability to maintain healthy relationships or a sense of isolation and separation from others and an inability to succeed despite one's talents;
- intimacy disturbances which include altered sexuality, assumptions about aggression in relationships, a tendency toward adversariality, manipulation, and aggression in relationships, sexual addiction or avoidance; and
- avoidance as seen in the abuse of drugs or alcohol, suicidality, self-harm, or other tension-reducing behaviors.

See Hamilton Decl. ¶ 22. In fact, survivors of sexual abuse are thirteen times more likely to attempt suicide. *See New Jersey Child Victims Act: Hearing on S. 477 Before the S. Judiciary Comm.*, 218th Leg., 2nd Ann. Sess. (N.J. 2019) (statement of Patricia Teffenhart, Executive Director of New Jersey Coalition against Sexual Assault).

15. Research establishes that sexual abuse survivors routinely struggle to disclose the abuse they suffered for many reasons. For many survivors, the abuse began at an age when the victim was too young to appreciate the wrongfulness or harm. *See, e.g., id.* (statement of Edward Hanratty, Sexual Abuse Survivor) (“I was routinely abused by my priest at St. Francis of Assisi in Ridgefield Park from the age of ten to fourteen. Yet I had no idea that it was abuse.”).

16. Because sexually abused children are most typically targeted by an adult they know and trust, survivors often have trouble trusting persons of authority, further complicating disclosing the abuse. *See* Hamilton Decl. ¶ 30. Other common reasons that survivors struggle to disclose childhood sexual abuse include:

- fearing consequences of reporting, including retaliation from their abusers or families if their story is not believed;
- feeling shame, humiliation, self-blame, and stigma associated with being a victim of sexual abuse;
- protecting aging parents who did not know or protect the survivor when the abuse was taking place;
- not wanting partners or children to know about the abuse;
- believing chances of justice are slim, particularly where they did not collect DNA or other physical evidence;
- failing to apprehend that anything wrongful actually occurred to them;
- wanting privacy regarding what happened; and
- needing independence in coping with their trauma.

See id. ¶ 24; *see also* *When a Youth is Victimized*, Nat’l Ctr. for Victims of Crime, <https://members.victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/when-a-youth-is-victimized> (last visited Jan. 12, 2021).

17. Psychological defenses, which protect the individual from the pain and distress associated with memories of abuse by keeping painful memories and feelings out of awareness,

often lead to a delay in disclosing the abuse. *See* Hamilton Decl. ¶ 33. These common defenses include:

- repression of memory;
- denial;
- dissociation; and
- maladaptive coping such as substance abuse.

See id. As a result of these psychological defenses, a survivor may not even discover the fact that he/she experienced abuse until undergoing therapy. *See id.* ¶ 34; *State Civil Statutes of Limitations in Child Sexual Abuse Cases*, Nat'l Conf. of State Legislatures (May 30, 2017), <https://www.ncsl.org/research/human-services/state-civil-statutes-of-limitations-in-child-sexua.aspx>. Even when survivors are aware of the abuse they suffered, they often do not connect their psychological injuries to the abuse until well into adulthood—usually during psychological counseling or therapy. *See* Hamilton Decl. ¶ 34.

18. For these reasons, most survivors do not disclose their sexual abuse until well into adulthood; the average age of disclosure of childhood sexual abuse is 52, if they ever come forward. *See id.* ¶ 37. Even as an adult, disclosure is a difficult and emotionally complex process, which involves knowing that he or she was abused, being willing to identify as an abuse survivor, and deciding to take action. *See id.* ¶ 38. Once a claimant has received the notice of a deadline to take action, many will require a period of reflection. *See id.* That reflection will include the difficult and painful process of weighing the reasons that they have not previously disclosed or identified as a survivor, and considering the implications and enormously significant consequences associated with bringing a claim. *See id.* ¶ 39. This process might also involve telling family and loved ones about this abuse for the first time. *See id.*

19. COVID-19 is also likely to take mental energy away from a survivor’s decision-making process about filing a claim. *See id.* ¶ 42. For many, the isolation and fear of social distancing can trigger memories of and feelings associated with the abuse they experienced. *See id.* Millions of Americans, likely including some who have sexual abuse claims against the Debtor, are unemployed, and many therapists have switched clients to video or phone therapy, both of which could exacerbate these impacts. *See id.* This may lead to further delay of disclosure of sexual abuse claims. *See id.*

B. Extension and Reopening of the Statute of Limitations in New Jersey

20. Nearly every state suspends or tolls the statute of limitation for civil actions for minors, and in no case is a child expected to bring a civil claim of sexual abuse before his or her nineteenth birthday. Marci A. Hamilton, *Child Sex Abuse Statute of Limitations Reform from 2002 to 2019*, CHILD USA (May 5, 2020), <https://childusa.org/wp-content/uploads/2020/05/CHILD-USA-2019-Annual-SOL-Report-May-2020.pdf> [hereinafter *Annual SOL Report*] (Many states’ and the federal government’s civil statute of limitations are significantly higher than age nineteen); *see also In re Roman Catholic Archbishop of Portland in Oregon*, No. 04-37154-ELPLL, 2005 WL 148775, at *1 (Bankr. D. Or. Jan. 10, 2005) (“There is no dispute that the [future claims representative] should represent the interest of individuals who are currently minors and whose parent or legal guardian does not file a timely claim . . .”).

21. Many states have also adopted additional extensions of statute of limitations for claims for the sexual abuse of children. Each of these state legislatures recognizes that by the time a victim typically discovers the sexual abuse they suffered or the relationship of the conduct to the injuries, the ordinary time limitation may have expired. *State Civil Statutes of Limitations in Child Sexual Abuse Cases*, Nat’l Conf. of State Legislatures (May 30, 2017),

<https://www.ncsl.org/research/human-services/state-civil-statutes-of-limitations-in-child-sexua.aspx>.

22. By the time the sexual abuse scandal within the Catholic Church became publicized in 2002, and sexual abuse survivors across the country began coming forward in large numbers, the two paths to justice, criminal prosecution, and civil lawsuits, were unavailable to most survivors because of the expiration of the then-applicable statute of limitations for their claims. *See* Hamilton Decl. ¶ 56. Before 2019, New Jersey, for example, capped the civil statutes of limitations to bring a claim for sexual abuse, including sexual abuse of a minor, at the age of 20 (the age of majority, 18, plus two years), with a two-year discovery rule that allowed victims to file a claim within two years of discovering an injury caused by their abuse. *See id.* ¶ 44; *Annual SOL Report, supra*. New Jersey’s statute of limitations for childhood sexual abuse claims was one of the shortest in the nation. Hamilton Decl. ¶ 44.

23. As information on the sexual abuse scandal within the Catholic Church and other institutions and by well-known public figures gained attention, both federal, and state governments made access to justice through statute of limitations reform a priority. Since 2002, “[f]orty-eight states and the District of Columbia, or 96%, have amended their child sex abuse [statutes of limitations]” *Annual SOL Report, supra* (As of the writing of the report, South Carolina, and Wyoming are the only two states that have yet to make improvements to child sex abuse statutes of limitations).

24. On May 13, 2019, New Jersey passed S477 (the “**New Jersey Child Victim’s Act**” or “**NJCVA**”), which allows adults who were sexually abused as children to bring a civil suit until they turn age 55 (raised from age 20), or seven years after making “the discovery” connecting their emotional and psychological injury to their abuse (raised from two years). S.

477, 218th Leg., 2d Ann. Sess. (N.J. 2019). Thus, the statute of limitations will not *start* to run until the survivor associates the injury to them with the sexual abuse they suffered. *See, e.g.*, Theodore R.A. Owen, *Reasonable for Whom? Developing a More Sensible Approach to the Discovery Rule in Civil Actions Based on Childhood Sexual Abuse*, 103 Iowa L. Rev. 1843, 1850, 1852 (2018) (“[T]he inquiry under the discovery rule is always when the victim of [childhood sexual abuse] discovered or *reasonably should have discovered* certain facts giving rise to the cause of action.”).

25. New Jersey’s statute of limitations reform also reopened the statute of limitations, for a two-year period (the “**Revival Window**”), to allow survivors for whom the statute of limitations had run to sue responsible parties, such as the archdiocese, diocese, parish, and school. *See* N.J. S. 477.⁴ The NJCVA went into effect and the Revival Window began on December 1, 2019, and so the adults who were assaulted as children and for whom the statute of limitations had expired have until November 30, 2021 to bring a claim. *See id.*

26. The New Jersey Legislature scrutinized the New Jersey Child Victim’s Act, and conducted a hearing that included four and a half hours of testimony—including both proponents of the reform and fierce opposition. *See New Jersey Child Victims Act: Hearing on S. 477 before the S. Judiciary Comm.*, 218th Leg., 2d Ann. Sess. (N.J. 2019). The Revival Window was the subject of particular dispute and consideration. *See id.*

27. The Catholic Church, with the Debtor’s interests in mind, had the opportunity to testify at the legislative hearing, and took that chance to make a lengthy statement with respect to the NJCVA. *See id.* (statement of Patrick R. Brannigan, New Jersey Catholic Conference). The New Jersey Catholic Conference’s testimony, including a statement by the Roman Catholic

⁴ As of today, seventeen states and Washington D.C. have revived previously expired statutes of limitations for a limited period. *National Overview of Statutes of Limitation (SOLs) for Child Sex Abuse*, CHILD USA, <https://childusa.org/2020sol/> (last visited Jan. 12, 2021).

Dioceses of New Jersey (including the Diocese of Camden, among others) made much ado about the protections for children implemented since 2002, and expressed regret for failing to protect children in the past. *See id.* Rather than take the position that the Debtor takes now—that the Revival Window is unnecessary and should be cut short—the Catholic Church requested that the Revival Window be *postponed* until after the IVCP (defined below) concluded. *See id.* (“We agree with the intent of S477, we differ on the approach. Again, if S477 is released by this Committee, I ask you to delay the implementation of S477 . . .”). Thus, the Debtor and its affiliates advocated that the deadline to bring a previously time-barred claim against the Debtor ***should be later than November 30, 2021***, in stark contradiction from the position it currently takes.

28. Although many at the hearing recognized statute of limitations reform as a significant step toward protecting the rights and respecting the unique needs of sexual abuse survivors, others acknowledged the solution is imperfect.

To many of us, two years may sound like plenty of time to pursue justice. But it’s been well-documented that the traumatic impact of this crime can cause significant delays in reporting – *particularly* for survivors of sexual abuse. A 2000 study that surveyed adult survivors of child sexual abuse found that that almost half (47 percent) did not tell anyone for *over a year*. Reckoning with the after-effects of a traumatic and violent crime takes time. By the time many survivors discover they would’ve had the option to pursue civil action, the clock has run out.

Id. (statement of Patricia Teffenhart, Executive Director for the New Jersey Coalition Against Sexual Assault).

29. Not only is the Revival Window an important measure to provide justice for sexual abuse survivors, showing them that their trauma matters, but as Jeff Dion, Executive Director of the Victim Policy Institute, testified, it is critical to protecting children today. *Id.*

(statement of Jeff Dion, Executive Director for the Victim Policy Institute) “Even if it takes a victim thirty years to come forward and disclose their abuse and the perpetrator is still alive, we often find that they’re still molesting kids at seventy and eighty years old in walkers and wheelchairs because *pedophiles don’t retire.*” *Id.* (emphasis added).

30. The New Jersey Legislature balanced the concerns of those in favor of and in opposition to the statute of limitations reform, particularly for the Revival Window, and ultimately made the decision to extend the statute of limitations, and open the Revival Window, from December 1, 2019 through November 30, 2021. Upon signing the New Jersey Child Victim’s Act, Governor Murphy stated:

I recognize that this issue has evoked *strong passions on both sides*, as supporters of the bill rightly note that it greatly increases the ability of victims of sexual abuse to pursue justice through the court system. Opponents argue that by exposing religious and nonprofit organizations to potentially massive financial liabilities, the bill may have the unintended effect of inhibiting these organizations from providing the services that many vulnerable New Jerseyans rely on. *I take these concerns seriously, but I cannot deny victims the ability to seek redress in court for sexual abuse that often leaves trauma lasting a lifetime. I am confident that our judicial system is the right forum to assess these claims fairly and impartially.*

Philip D. Murphy, *Governor’s Statement Upon Signing Senate Committee Substitute for Senate Bill No. 477* (May 13, 2019) (emphasis added).

C. **Widespread Publication of New Jersey’s November 30, 2021 Deadline**

31. Beginning at least as early as May 2019 through the present, the New Jersey Child Victim’s Act, including the Revival Window and November 30, 2021 deadline to file a previously time-barred claim, was heavily publicized throughout New Jersey and nationally—including in the New York Times, Wall Street Journal, New York Post, National Law Review, and N.J.com, among others. *See, e.g.,* Joseph De Avila, *N.J. Governor Backs Bill Expanding*

Statute of Limitations for Sex-Abuse Victims, Wall St. J. (Feb. 14, 2019 8:12 PM), <https://www.wsj.com/articles/n-j-governor-backs-bill-expanding-statute-of-limitations-for-sexual-abuse-victims-11550193130>; Gabrielle Fonrouge, *New Jersey Law Brings New Child Sex Abuse Suits Against Catholic Church*, N.Y. Post (Dec. 2, 2019 8:09 PM), <https://nypost.com/2019/12/02/new-jersey-law-brings-new-child-sex-abuse-suits-against-catholic-church/>; Susan K. Livio, *What You Should Know About N.J.'s Tough New Law Giving Sexual Assault Victims More Time to Sue their Abusers*, N.J.com (May 14, 2019), <https://www.nj.com/news/2019/05/what-you-should-know-about-njs-tough-new-law-giving-sexual-assault-victims-more-time-to-sue-their-abusers.html>.

32. The Revival Window and November 30, 2021 deadline to bring a claim were also advertised on many television and radio advertisements, law firm websites, and other internet sources. *See, e.g., New Jersey Child Sex Abuse Law S477*, Hach & Rose LLP, <https://www.sexabusesurvivorlawfirm.com/recent-law-changes/new-jersey-child-sex-abuse-law/> (last visited Jan. 12, 2021); *New Jersey Child Sexual Abuse Claims*, Rothenberg Law Firm LLP, <https://injurylawyer.com/abuse/nj-childhood-sexual-abuse-lawyers/> (last visited Jan. 12, 2021). The Debtor acknowledges that “hundreds of advertisements on television (cable and major networks), the internet, daily and Sunday newspapers of general circulation, websites for news outlets and other sites . . . [have] notified people of the change in the law and encouraged people to seek redress.” Bar Date Motion ¶ 11.

33. The NJCVA and the November 30, 2021 deadline—which the Committee proposes should be the bar date—has already gained attention by survivors. Since the Revival Window opened less than one year ago, fifty-seven lawsuits have been filed against the Debtor, fifty-four of which remain pending. This is an addition to the 172 claimants who came forward

in that time to participate in the Independent Victim Compensation Program (the “**IVCP**”). See Dkt. 99 (the “**Mediation Motion**”).⁵

IV.

THE BAR DATE MOTION

34. On October 14, 2020 the Debtor filed the Bar Date Motion, seeking, in relevant part, to establish February 26, 2021 at 11:59 p.m. (prevailing Eastern time) as the deadline by which all creditors, including sexual abuse survivors, must file a claim (the “**Debtor’s Proposed Bar Date**”).

35. The Debtor proposes that the Debtor’s Proposed Bar Date will apply to *all* survivors of sexual abuse, including those that (i) are currently minors, (ii) are currently unaware they were sexually abused because of memory repression, or (iii) have not yet connected their sexual abuse to any injury.

36. The Debtor proposes to send notice of the order reflecting the Debtor’s Proposed Bar Date (the “**Bar Date Order**”) to all known creditors, and to use notice by publication to reach unknown creditors. Unlike its advertisements for the IVCP, the Debtor *does not* intend to use any of the following outlets to provide notice of the bar date: google search advertisements, television advertisements, parish bulletins, or social media announcements. The Debtor also does not propose publication of the bar date nationally, such as in the New York Times or Wall

⁵ In June 2019, after the New Jersey Child Victim’s Act was signed and before the Revival Window opened, the Archdiocese of Newark and the Dioceses of Camden, Metuchen, Trenton, and Paterson formed the IVCP “to provide compensation to victims of clergy sexual abuse of minors by clergy of the NJ Dioceses.” Independent Victim Compensation Program (“**IVCP**”) for the Archdiocese of Newark and the Dioceses of Camden, Metuchen, Trenton and Paterson, https://www.njdiocesesivcp.com/ords/m_453841_0001/f?p=NJDIOC:PAGE-HOME:4404407513112 (last visited Jan. 12, 2021) [hereinafter *IVCP Home Page*]. According to the Debtor, seventy-one claims have been resolved by the IVCP (with payments totaling over \$8 million), with 141 claims still outstanding, including forty who also filed lawsuits discussed above. Mediation Motion ¶¶ 22–23. However, on July 31, 2020, the Diocese of Camden suspended the operation of the IVCP due to an alleged decline in revenue resulting from the COVID-19 pandemic. *IVCP Home Page, supra*.

Street Journal, both of which publicized the statute of limitations reform and November 30, 2021 deadline to bring a previously time-barred claim.

37. The Debtor proposes an “**Abuse Proof of Claim Form**” to be used for sexual abuse survivors, which includes information that is not included on *Official Bankruptcy Form 410*. For example, the Abuse Proof of Claim Form seeks information concerning (1) whether the claimant is incarcerated, marital history, educational background, employment information, specific details about each instance of abuse, and any witnesses to the abuse. *See* Bar Date Motion, Ex. B, Dkt. 74-2. The proposed Abuse Proof of Claim Form requires survivors to complete these sections even if the survivor has filed a civil lawsuit against the Diocese that addresses these questions and attaches the Complaint to the claim.

38. On December 2, 2020, Lloyds, London and Certain London Market Companies (collectively, “**LMI**”) filed its response to the Bar Date Motion [Dkt. 254] (the “**LMI Response**”). In the LMI Response, LMI proposes five specific changes to the Debtor’s proposed Abuse Proof of Claim form, and has since insisted, along with several other insurers, that only the claimant sign the Abuse Proof of Claim Form. Like the Debtor, LMI seeks to require responses to questions that seek irrelevant information and require respondents to speculate about knowledge and information possessed by others.

V.

THE BAR DATE SHOULD BE COTERMINOUS WITH THE EXPIRATION OF THE STATUTE OF LIMITATIONS

39. The Debtor’s Proposed Bar Date should not be approved because it ignores the New Jersey Legislature’s recent and reasoned decision granting survivors until November 30, 2021 to bring previously time-barred claims. Furthermore, any bar date other than November 30, 2021 will confuse survivors because (i) the NJCVA and November 30, 2021 deadline have

already been broadly publicized, in more places and ways than the Debtor proposes to use for notice of the bar date, and has gained the attention of survivors, and (ii) November 30, 2021 would remain the deadline for survivors to sue non-debtor entities such as other dioceses, parishes, and schools, which might be indistinguishable to unsophisticated and *pro se* creditors. The Debtor's Proposed Bar Date is also arbitrary, and will not advance this Chapter 11 Case. Rather, a global resolution of this case is not possible until all parties know their full exposure and responsibilities, including insurance carriers, which will not be achievable until November 30, 2021 when the statute of limitations for the Non-Debtors, who are co-insureds on the Debtor's insurance policies, closes. The Debtor's desire for a truncated bankruptcy case not only disadvantages creditors without an ultimate benefit to the estate, but it diverts from the procedure and precedent set by other diocese bankruptcy cases across the country. Lastly, it purports to bind claimants that are legally incognizant of their claims, thereby violating their due process rights.

40. Irrespective of what bar date is chosen, the Debtor's proposed Abuse Proof of Claim Form needs to be revised because it will discourage survivors from filing claims because of its fact-intensive and intrusive questions. The Committee's proposed abuse proof of claim form strikes a more equitable balance between the facts the Debtor and its insurers may need to evaluate a claim against the risk of discouraging survivors from filing claims when they are being confronted with a confusing and complicated examination.

A. The New Jersey Child Victim's Act And Legislative Intent Should Be Honored By This Court

1. Sexual Abuse Survivors Are Not Typical Bankruptcy Claimants

41. The primary goal of this Chapter 11 Case is to fairly compensate survivors of childhood sexual abuse. Sexual abuse survivors are not a bankruptcy court's typical creditor;

they are legally unsophisticated individuals who have endured unthinkable trauma, the effects of which impact their ability to file proofs of claim on a moment's notice. *See* Hamilton Decl. ¶ 60.

42. The unique injuries of childhood sexual abuse must be considered by this Court in determining a fair and reasonable bar date. Scientific and medical evidence establishes that adult survivors of childhood sexual abuse are often unable to disclose the abuse to anyone and need time to act before they can disclose the abuse they suffered. *See id.* ¶ 40. Once potential claimants receive notice of a deadline to assert claims, many will need a period of reflection and consideration before determining whether to assert their claims and submit to the legal process. *See id.* ¶ 38. This process, which is different for every survivor, might also include disclosing the abuse to family members and friends for the first time, and working with a therapist or counselor to prepare themselves for each step and decision in the process. *See id.* ¶ 39.

43. Compounding the hurdles confronting survivors in filing a claim is the current pandemic, which may not only overshadow the claim filing process as the virus once again gains prevalence, but also might trigger abuse memories and feelings, hinder access to therapy and counseling as well as legal assistance, all making a determination to file a claim, and filing a claim, even harder. *See id.* ¶ 42.

44. Furthermore, survivors may be relying on the well-advertised November 30, 2021 deadline as a milestone to prepare themselves emotionally for filing a claim against the Diocese. Imposing an earlier deadline threatens survivors' ability to disclose their abuse in their own time and manner, and takes away control over their own stories. Indeed, loss of control is a central issue for sexual abuse survivors, and limiting their control over disclosure of their abuse could re-traumatize them. *See id.* ¶ 43.

45. Simply put, any bar date that is not coterminous with the New Jersey Child Victim's Act's November 30, 2021 deadline gives too little regard to the difficulty encountered by an adult survivor who is compelled to file a claim by a date certain no matter if they are emotionally or psychologically ready to do so. The Debtor's Proposed Bar Date is a betrayal of the Debtor's commitment to compensate victims, and denies access to justice in direct contradiction of its assurance to provide every survivor his or her "day in court."

2. The Legislature has Spoken: Sexual Abuse Claimants Must Have Until November 30, 2021 to Bring a Claim

46. The New Jersey Legislature made its specific policy decision clear: survivors of childhood sexual abuse whose claims were previously time-barred, including for those which the Debtor is responsible, have until November 30, 2021 to (a) acknowledge their status as a survivor, and (b) file a claim for damages arising from their abuse. N.J. S. 477.

47. This Court should not disregard this unambiguous legislative intent.

48. While bankruptcy courts have discretion to set bar dates which shorten statutes of limitations for claimants, the November 30, 2021 end of the Revival Window is not like any other statute of limitations, and it cannot be treated as such. In normal circumstances, statutes of limitation end for different claimants at different times depending on unique factual circumstances, such as the date the claim accrues and the length of the statute of limitations. Accordingly, in a typical bankruptcy case, it is impossible to time a bankruptcy filing or set a bar date that fairly accounts for the statute of limitations of every claimant. But this case is atypical. The NJCVA sets *one* deadline, November 30, 2021, for *every sexual abuse survivor* whose claim was previously time-barred, an entire subset of claimants, *no matter when the abuse occurred, what diocese it occurred in, or when the claim accrued*. See N.J. S. 477.

49. Rather than cutting off the differing statute of limitations for some claimants as is inevitable in every bankruptcy case, the Debtor’s request amounts to an appeal that the NJCVA should not apply to claims against it. In doing so, the Debtor asks this Court to usurp the role of the Legislature and swiftly undo the recent protections granted to survivors. In the meantime, the Committee’s proposed bar date not only honors the will of the Legislature but actually reflects compromise; the statute of limitations will nonetheless be cut off for those legally aware survivors for whom the statute of limitations will not yet expire by November 30, 2021.

50. Recently, the Bankruptcy Court for the Western District of New York was faced with nearly identical facts when confronted by The Diocese of Buffalo, New York’s request to set a claims bar date in advance of the recently reopened statute of limitations for survivors in New York. In the Buffalo Diocese Bar Date Decision, the court refused to cut short the limitations period for the sake of the debtor’s pocket. *See Diocese of Buffalo*, 620 B.R. at 452. Rather, the court held that the most appropriate bar date was one coterminous with the revived statute of limitations period. *Id.* (“In reopening the statute of limitations, the CVA expressed a policy decision that deserves the respect of this Court. Unless good cause is otherwise demonstrated, we should appropriately honor the decision of New York to allow the assertion of claims through August 14, 2021.”).

51. This Court too should follow the will of the Legislature.

B. Any Bar Date Other Than November 30, 2021 Will Cause Confusion

1. The November 30, 2021 Deadline Has Already Been Broadly Publicized

52. The Debtor concedes that “[s]ince the statute of limitations was opened, victims’ attorneys have placed hundreds of advertisements on television (cable and major networks), the internet, daily and Sunday newspapers of general circulation, websites for news outlets and other

sites. All of this advertising has notified people of the change in the law and encouraged people to seek redress.” Bar Date Motion ¶ 11. The Debtor argues the mistaken viewpoint, however, that the long and emotional process for survivors to file a claim against the Diocese has already begun for all claimants. What the Debtor fails to appreciate is that the broad publication, and the process survivors have begun to prepare themselves to file a claim, is geared towards the Committee’s proposed bar date, not the Debtor’s.

53. Sexual abuse survivors with claims against the Diocese may include many elderly and vulnerable adults, most of which will be unsophisticated creditors for whom the bankruptcy process is foreign. *See* Hamilton Decl. ¶ 67. These survivors may have trouble understanding the difference between the NJCVA’s November 30, 2021 deadline and an earlier bar date established by this Court, especially given the wide publicity of the November 30, 2021 bar date. *See id.* ¶ 68. These survivors may also have claims against other dioceses or entities in New Jersey, and may not appreciate that the deadline set by this Court will not apply to claims against those entities. In any event, the Debtor’s Proposed Bar Date presents a moving target for survivors already preparing to file a claim by November 30, 2021. The high risk of confusion leading to some abuse survivors falling between the cracks and missing the deadline to file claims is diametrically opposed to the purpose of this Chapter 11 Case—to bring fair compensation to survivors. *See Diocese of Buffalo*, 620 B.R. at 452.

2. The Debtor is trying to Cut Short the Bar Date with Less Notice Than Previously Provided of the November 30, 2021 Expiration of the Statute of Limitations

54. Although the Committee’s proposed bar date has been widely publicized for over a year, the Debtor now proposes to cut short that deadline by about nine months while providing less notice to survivors than they have received previously. The Debtor proposes to provide

publication notice through regional outlets only, ignoring nationwide and internet publications which have already advertised the November 30, 2021 deadline such as The New York Times, the Wall Street Journal, the New York Post, NJ.com, NJ Coalition Against Sexual Assault, and on an abundance of other law firm and other legal websites. *Compare* Bar Date Motion ¶¶ 46–47 with discussion *supra* Section III.C; *see also* *Diocese of Buffalo*, 620 B.R. at 452–53 (acknowledging free publicity and far reach of advertisements by personal injury firms). In fact, the Debtor proposes an even less robust notice program than it used for the IVCP—now cutting out advertisements on television, social media, parish bulletins, and Google search ads.

55. The only solution to guarantee a robust and cost-effective noticing program that promises to notify survivors of the correct claims bar date, and to avoid confusion, is to set the bar date as one survivors are *already aware of*. As the Court noted in the Buffalo Diocese Bar Date Decision:

By making th[e] [bar] date coterminous with the statute of limitations, we terminate no rights that a plaintiff could otherwise have asserted outside of bankruptcy. For those creditors who may never have received notice of the bankruptcy or its bar date, any deficiency of notice will have no consequence more adverse than what state law would already impose.

Diocese of Buffalo, 620 B.R. at 452 (ordering bar date as coterminous with New York’s equivalent of the Revival Window).⁶

3. The November 30, 2021 Bar Date Will Remain To Bring Claims Against Non-Debtor Entities

56. Irrespective of this Court’s decision on the appropriate claims bar date in this case, claims against other dioceses, the parishes, schools, and other non-debtor entities will remain November 30, 2021 (barring a channeling injunction under the Plan, which would impact

⁶ If this Court is inclined to set the bar date as any date other than November 30, 2021, the Debtor must be required to provide at least the level of notice provided regarding the IVCP.

claims against the parishes and schools associated with the Diocese, but not against other dioceses). The Debtor's Proposed Bar Date thus creates two separate deadlines, one to sue the Debtor, another, nine months later, to bring claims against other dioceses and the Non-Debtors which, to a *pro se* claimant, might be indistinguishable entities. *See* Hamilton Decl. ¶¶ 67–71. Setting separate bar dates against related entities will cause unnecessary confusion, which, as discussed below, does not stand to advance the progress of this Chapter 11 Case. *See Diocese of Buffalo*, 620 B.R. at 452 (noting that setting the bar date as coterminous with the statute of limitations will avoid confusion between deadlines to sue the debtor and non-debtor entities, which will benefit both the claimants and the debtor).

C. The Debtor's Proposed Bar Date Is Arbitrary And Not Justifiable

1. The Debtor's Argument that It Cannot Afford a Prolonged Bankruptcy is Unpersuasive

57. The Debtor filed a voluntary petition for bankruptcy; it chose to file for Chapter 11 protection as a direct result of the enactment of the New Jersey Child Victim's Act, and more specifically, the Revival Window. Thus, the Debtor cannot be permitted to use bankruptcy as both sword and shield: it cannot seek to use the benefits provided by the Bankruptcy Code, including the automatic stay and the chance to create a process of gathering, adjudicating, and resolving claims, while complaining about the inevitable costs associated with doing so.

58. Notwithstanding that the Debtor is a solvent entity, the Debtor expects this Court to look sympathetically on it, to the direct detriment of survivors of sexual abuse, the claimants who deserve this Court's compassion.

2. Global Resolution Cannot be Reached Until After November 30, 2021 Regardless of the Bar Date

59. Establishing a bar date coterminous with the Revival Window deadline only enhances the likelihood that the true universe of claims against the Debtor will be known for purposes of achieving a global settlement. Just as critically, the universe of claims against Non-Debtors that may be co-liable with the Diocese or who may assert claims under the same insurance policies as the Diocese will also be fixed, a fact that will help further negotiations on a consensual plan of reorganization.⁷

60. Moreover, the Debtor has not shown that an early bar date will enhance the size of the Debtor's bankruptcy estate. A determination of the funds that will ultimately be available for sexual abuse survivors will result from either negotiation or litigation among multiple parties, including the Debtor, insurance carriers, the Committee, and future claimants, among others. The Debtor's Proposed Bar Date relates *only* to claims against the Diocese, and does not impact the deadline to sue the Non-Debtors. This underscores the reality that claims against the Non-Debtors will not be negotiated, litigated, or compensated through the Debtor's bankruptcy and will not be cut off by any bar date order entered by this Court. Because insurance carriers may have exposure based on claims against the parishes, schools, and related entities, the parties will be unable to reach a global resolution until all parties understand their exposure and payment responsibilities, including insurance carriers. *See Diocese of Buffalo*, 620 B.R. at 450 (noting that settlement is unlikely until all parties, including insurers, determine potential exposure). This determination thus cannot be made until *after* the November 30, 2021 deadline *no matter* when claims against the Debtor must be filed.

⁷ The Committee currently is seeking discovery to determine the rights and obligations of the insurers and the non-debtor entities under the insurance policies issued to the Debtor. The Committee is also seeking discovery to determine whether the non-debtor entities have insurance rights under any other available insurance policies. The Debtor's efforts to curtail survivor rights through a shortened claims bar date, an expedited Plan approval process, and imposing a channeling injunction in favor of non-debtor entities are tools designed to hamstring the sexual abuse survivors and devalue their claims.

61. Perhaps reflecting this dynamic, other diocese bankruptcy cases filed across the country have taken two to three years, on average, before the case is ultimately closed, no matter how early in the case the bar date was set. *See, e.g., In re Archdiocese of St. Paul and Minneapolis*, No. 15-30125 (Bankr. D. Minn. 2015) (case remained open almost three years after bar date); *In re Diocese of Davenport*, No. 06-02229 (Bankr. S.D. Iowa 2006) (case remained open five years after bar date and over four years after plan confirmed); *In re Diocese of Tucson*, No. 04-04721 (Bankr. D. Ariz. 2004) (case remained open almost four years after bar date and plan confirmation).

D. The Bar Date Cannot Bind Survivors Who Are Not Legally Aware Of Their Claims

62. The Committee further opposes the Bar Date Motion because it purports to bind any person (i) under the age of eighteen, (ii) who does not know of his or her claims because of memory repression, or (iii) has not manifested an injury as a result of sexual abuse. New Jersey law has already established that persons entitled to protection under the New Jersey Child Victim's Act may not be legally aware of their claim until the age of 18, or even longer as a result of the unique reaction of the survivor to the trauma. N.J. S. 477. The New Jersey Legislature acknowledged this reality by adding a "discovery period" to the statute of limitations, so that the statute of limitations does not begin to run until the survivor has connected his or her emotional and psychological injury to his or her abuse. *See id.* No bar date or filing deadline can satisfy due process for those survivors because they cannot be considered legally cognizant of their injury.

63. The identity of future claimants are unknown even to themselves, and thus due process cannot be satisfied on these claimants. *See Wright v. Owens Corning*, 679 F.3d 101, 107 (3d Cir. 2012) ("Discharge of the claims of future unknown claimants raises questions regarding

due process.”). Due process is a constitutional requirement for the discharge of any claim in bankruptcy. *See, e.g., In re Mansaray-Ruffin*, 530 F.3d 230, 238–39 (3d Cir. 2008) (“[P]rinciples of due process . . . trump ‘finality,’” and “the very nature of due process negates any concept of inflexible procedures universally applicable to every imaginable situation.”) (citations omitted); *In re Unioil*, 948 F.2d 678, 683 (10th Cir. 1991); *City of New York v. New York, N. H. & H. R. Co.*, 344 U.S. 293, 296–97 (1953).

64. Future claims of incognizant, unknown claimants are not subject to discharge because the requirements of due process cannot be considered satisfied if the claimants themselves are unaware of their claims. *See In re UNR Indus., Inc.*, 29 B.R. 741, 745 (N.D. Ill. 1983) (recognizing that “a plan of reorganization which would ‘bind’ the putative claimants would be subject to constant attack over the years on due process grounds”), *appeal dismissed*, 725 F.2d 1111 (7th Cir. 1984); *Roman Catholic Archbishop of Portland in Oregon*, 2005 WL 148775, at *2 (“Debtor recognized that . . . it was questionable whether it could accomplish through this bankruptcy a global resolution and discharge of the abuse claims.”). By seeking to have this Court establish a bar date for minors, those with repressed memories, and those with unmanifested injury, the Debtor seeks to violate the due process rights of sexual abuse survivors who cannot be held legally cognizant of their claims.

E. The Committee’s Abuse Claim Form Should Be Adopted Because It Is Less Invasive And Less Likely To Discourage Survivors From Filing Claims

65. The Debtor seeks approval of the Abuse Proof of Claim Form that requests highly detailed personal information unrelated to details of abuse and duplicative information that may already be included in a pending lawsuit and attached to the claim form. As further explained by Marci Hamilton, in her declaration submitted contemporaneously, the intrusive, accusatory, and offensive tone and substance of the Abuse Proof of Claim Form is likely to dissuade survivors

from filing claims altogether, in contradiction to the goal of this Chapter 11 Case. *See* Hamilton Decl. ¶ 80–81.

66. The Committee has proposed an alternative sexual abuse claim form, attached as **Exhibit A**, which uses plain language thereby rendering the form easier for individual and pro se claimants to understand and complete. The Committee has incorporated some “check the box” alternatives on the form to help claimants describe the effects of the abuse, which may be difficult to articulate. A similar claim form to the one proposed by the Committee has been used in other diocese bankruptcy cases. *See* Sexual Abuse Survivor Proof of Claim, *In re The Roman Catholic Church of The Archdiocese of New Orleans*, No. 20-10846 (Bankr. E.D. La.), http://dr201.s3.amazonaws.com/rcano/Exhibit%20A%20Bar%20Date%20Order%20--%20Abuse%20POC%20Form_English.pdf.

67. Further, LMI seeks information more akin to discovery than that required to assert a claim against a bankruptcy estate, and seeks statements from the survivors that constitutes inadmissible hearsay.

68. First, LMI seeks the survivor’s complete life-long employment history, in addition to the employment history from the last ten years as the Debtor suggests. A life-long work history is excessive, particularly as a significant portion of the survivors may be over the age of 50, and is largely irrelevant in establishing the survivors’ damages. Instead, the Committee proposes such information only if the survivor seeks damages on account of loss of employment, and limits to only the most relevant information.

69. LMI also wishes to ask about the abuser’s “relationship” to the survivor. This wording is inappropriate considering the nature of these claims, and may be confusing to

survivors. Nonetheless, the Committee has included modified language, which it believes seeks the information sought, in its proposed claim form.

70. LMI's proposed additions to Part 4 of the Debtor's Abuse Proof of Claim Form, seeking information on whether anyone took action upon learning of the abuse and who knew about the abuse within the Diocese and the contact information for any witness, not only seeks inadmissible hearsay, but expects a child to know and comprehend actions taken on his/her behalf that he/she likely was not a part of and would have no reason to know. Thus, these proposed additions are inappropriate.

71. Finally, the insurers separately insist that an attorney may not sign the proof of claim form on the survivor's behalf. Such a requirement is not found anywhere in the Bankruptcy Code or *Official Bankruptcy Form 410*, and is inconsistent with the abuse claim forms approved by an overwhelming majority of diocese bankruptcy cases across the country. *See, e.g., Confidential Sexual Abuse Claim Supplement, In re The Diocese of Buffalo, N.Y.*, No. 20-10322 (Bankr. W.D.N.Y. Dec. 11, 2020), Dkt. 729; Confidential Proof of Claim (Sexual Abuse), *In re The Diocese of St. Cloud*, No. 20-60337 (Bankr. D. Minn. June 26, 2020), Dkt. 41; Sexual Abuse Proof of Claim, *In re Roman Catholic Church of the Archdiocese of Santa Fe*, No. 18-13027 (Bankr. D.N.M. Mar. 8, 2019), Dkt. 116-1; Sexual Abuse Proof of Claim Form, *In re Diocese of Winona-Rochester*, Case No. 18-33707 (Bankr. D. Minn. Dec. 7, 2018), Dkt. 51 (all of which are attached hereto, with emphasis added, as **Exhibit B**). Indeed, under both federal and New Jersey law, a claimant's attorney may commence an action without the need for a verified complaint. *See* Fed. R. Civ. P. 11 ("Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail

address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit.”); N.J. Ct. R. 1:4-5, 1:4-7, 1:4-8.

72. Requiring legally unsophisticated creditors to complete, sign, and file their own claim forms, particularly in light of the complications of COVID-19, only serves as an attempt to discourage survivors from filing claims, and/or to do so without the assistance of an attorney. Such a practice would be fundamentally unfair, would create bad precedent, and cannot be tolerated by this Court.

VI.

RESERVATION OF RIGHTS

73. The Committee reserves its rights to supplement or amend this Objection and to raise additional issues with the Bar Date Motion before or at the hearing on the same, and to present evidence or rely on evidence that may be presented by others at the hearing on the Bar Date Motion.

WHEREFORE, the Committee requests that this Court (i) deny the Bar Date Motion as set forth herein, (ii) sustain this Objection by setting the claims bar date for November 30, 2021, (iii) approve the Committee's proposed Abuse Proof of Claim form attached hereto as **Exhibit A**, and (iv) grant such other relief as is just.

Dated: January 12, 2021

LOWENSTEIN SANDLER LLP

/s/ Jeffrey D. Prol

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*Counsel to the Official Committee of Tort
Claimant Creditors*

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:)	
)	Case No. 20-21257 (JNP)
THE DIOCESE OF CAMDEN, NEW JERSEY,)	
)	Chapter 11
Debtor.)	
)	

SEXUAL ABUSE SURVIVOR PROOF OF CLAIM

**THIS COMPLETED FORM MUST BE RECEIVED NO LATER THAN
_____, 2021 AT 5:00 P.M. (EASTERN TIME)**

DO NOT FILE THIS DOCUMENT WITH THE COURT

This Sexual Abuse Survivor Proof of Claim must be **received** no later than **5:00 p.m. (Eastern Time)** on _____, 2021 (the "**Bar Date**"). Please carefully read the following instructions included with this Sexual Abuse Survivor Proof of Claim and complete all applicable questions to the extent of your knowledge or recollection.

If you do not know the answer to an open-ended question, you can write "I don't know" or "I don't recall" if either is the case. If a question does not apply, please write "N/A." If you are completing this form in hard copy, please write or type clearly using blue or black ink.

Claims properly filed in accordance with these instructions may later be amended to, among other things, supplement, modify, correct, or clarify the information provided herein by properly filing a subsequent Sexual Abuse Survivor Proof of Claim form and referring back to the originally filed claim.

To file this Sexual Abuse Survivor Proof of Claim, it must be actually received by Prime Clerk, the claims and noticing agent (the "**Claims Agent**") for The Diocese of Camden, New Jersey (the "**Diocese**" or the "**Debtor**") by either filing it:

- (i) electronically using the interface available at: <https://cases.primeclerk.com/camdendiocese/EPOC-Index>; or
- (ii) mail, overnight courier, or hand delivery to Prime Clerk at: The Diocese of Camden, New Jersey Claims Processing Center, c/o Prime Clerk LLC, 850 3rd Avenue, Suite 412, Brooklyn, NY 11232.

Sexual Abuse Survivor Proofs of Claim sent by any other means (such as facsimile transmission or email, or through a different manner than described in (i) and (ii) above) **will not** be accepted.

You May Consult An Attorney Regarding This Matter.

Failure To Timely Complete And Return This Form by the Bar Date May Result In Your Inability To Vote On A Plan of Reorganization and Receive a Distribution in the above-captioned Chapter 11 Case.

“**You**” and/or “**Sexual Abuse Survivor**” refers to the person asserting a Sexual Abuse Claim against the Diocese related to the Sexual Abuse Survivor’s sexual abuse.

For this claim to be valid, the Sexual Abuse Survivor, or his/her attorney must sign this form. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor’s representative or the attorney for the Sexual Abuse Survivor’s estate.

If the Sexual Abuse Survivor is a minor, the form must be signed by the survivor’s parent, legal guardian, or attorney. Any Sexual Abuse Survivor Proof of Claim signed by a representative or legal guardian must attach documentation establishing such person’s authority to sign the claim for the Sexual Abuse Survivor.

Who Should File a Sexual Abuse Survivor Proof of Claim?

This Sexual Abuse Survivor Proof of Claim is only for people who have experienced sexual abuse (defined below) on or before the date the Debtor’s filed for bankruptcy protection, October 1, 2020. This Sexual Abuse Survivor Proof of Claim is the manner and process through which you can make a claim against the Diocese based on sexual abuse. Any person making a claim based on anything other than sexual abuse should file a General Proof of Claim (Official Bankruptcy Form 410).

Who Is a Sexual Abuse Survivor?

The term Sexual Abuse Survivor refers to a person who experienced sexual abuse, as defined below.

What is Sexual Abuse?

For the purposes of this Sexual Abuse Survivor Proof of Claim, an “**Abuse Claim**” is any claim (as defined in section 101(5) of the Bankruptcy Code) against the Diocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, sexually-related psychological, or sexually related emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or an adult and another adult regardless of whether consensual or nonconsensual, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other conduct constituting a sexual offense of any type, kind, nature or description, incest, or use of a child in a sexual performance, and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Diocese or any other person or entity for whose

acts or failures to act the Diocese is or was allegedly responsible. An “**Abuse Claimant**” is the person asserting an Abuse Claim against the Diocese.

“**Sexual abuse**” is defined as an act of sexual contact or sexual penetration between a child under the age of 18 years and an adult.

- a. “**Sexual contact**” means an intentional touching by the victim or actor, either directly or through clothing, of the victim’s or actor’s intimate parts for the purpose of sexually arousing or sexually gratifying the actor. Sexual contact of the adult with himself must be in view of the victim whom the adult knows to be present.
- b. “**Sexual penetration**” means vaginal intercourse, cunnilingus, fellatio, digital penetration, or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the adult or upon the adult’s instruction.
- c. “**Intimate parts**” means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person.
- d. “**Injury** or **illness**” includes psychological injury or illness, whether or not accompanied by physical injury or illness.

If you have a claim arising from other types of abuse, including non-sexual physical abuse, non-sexual emotional abuse, bullying or hazing, you should file a General Proof of Claim form (Official Bankruptcy Form 410).

You May Wish to Consult an Attorney Regarding This Matter.

You may also obtain information from the Claims Agent by: (1) calling toll free at 1 (877) 465-8420 or (2) visiting the case website at <https://cases.primeclerk.com/camdendiocese/Home-SubmitInquiry> to submit an inquiry or chat with a live representative (do not contact the Claims Agent for legal advice).

You may also obtain information from counsel for the Official Committee of Tort Claimant Creditors of The Diocese of Camden, New Jersey (the “**Committee**”), Lowenstein Sandler LLP, by sending an email to DOCAbuseClaims@lowenstein.com.

Penalty for presenting fraudulent claim: Fine of up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

PART 1: CONFIDENTIALITY

Unless you indicate below, your identity and this Sexual Abuse Proof of Claim Form, will be kept **confidential** under seal, and outside the public record. However, information in this Sexual Abuse Survivor Proof of Claim will be confidentially provided, pursuant to Court-approved guidelines, to such persons necessary to adjudicate the claim under Section 502 of the Bankruptcy Code including the Debtor, the Committee, the Office of the United States Trustee, any unknown claims representative appointed in the bankruptcy case, insurers of the Diocese including authorized claims administrators of such insurers and their reinsurers, and each of the respective counsel, retained advisors and experts of the foregoing persons and any special arbitrator, mediator, or claims reviewer appointed to review and resolve Sexual Abuse Survivor Proof of Claims, as trustee, or functional equivalent thereof, appointed to administer payments to holders of Sexual Abuse Survivor Proof of Claims, and confidentially to such other persons that the Court determines need the information in order to evaluate the claim. Information in this Sexual Abuse Survivor Proof of Claim may be required to be disclosed to governmental authorities under mandatory reporting laws in many jurisdictions.

This Sexual Abuse Survivor Proof of Claim (along with any accompanying exhibits and attachments) will be maintained as confidential as indicated above unless you expressly request that it be publicly available by checking the “public” box and signing below.

PUBLIC: I want my identity and this Sexual Abuse Survivor Proof of Claim (together with any exhibits and attachments) to be made part of the official claims register in this case. **My claim may be available for review by any and all members of the public.**

Signature: _____
Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Identity of Sexual Abuse Survivor

First Name _____ Middle Initial _____ Last Name _____ Jr/Sr/III _____

Mailing Address (If Sexual Abuse Survivor is incapacitated, is a minor, or is deceased, provide the address of the individual submitting the claim. If you are in jail or prison, provide the address of your place of incarceration):

Number and Street:					
City:		State:		Zip Code:	
Country (not USA):		Email Address:			
Telephone (Home):		Telephone (Cell):			
Attorney Email:		Attorney Phone:			

For communications regarding this claim you may use (check the appropriate boxes):

Email US Mail Home Voicemail Cell Voicemail Counsel listed below

Social Security Number of Sexual Abuse Survivor (last four digits only): XXX-XX-____

If the Sexual Abuse Survivor is in jail or prison, provide the Sexual Abuse Survivor's identification number _____

Birthdate of Sexual Abuse Survivor (only the month and year): (MM/YYYY): __/____

Any other name, or names, by which the Sexual Abuse Survivor has ever been known:

Gender of Sexual Abuse Survivor: Male Female Other (specify) _____

B. If you have hired an attorney relating to the sexual abuse described in this Sexual Abuse Survivor Proof of Claim, please provide his or her name and contact information

Law Firm Name:					
Attorney's Name:					
Number and Street:					
City:		State:		Zip Code:	
Country (not USA):		Email Address #1:			
Telephone (Work):		Email Address #2:			
Telephone (Cell):		Fax No.:			

PART 3: NATURE OF THE SEXUAL ABUSE

(Attach additional sheets if necessary)

For each of the questions listed below, please complete your answers to the best of your recollection.

Note: If you have previously filed a lawsuit about your sexual abuse in state or federal court, you must attach a copy of the complaint. If you have not filed a lawsuit, or if the complaint does not contain all of the information requested below, you must provide the information below to the extent of your recollection.

Please answer each of the following questions as best you are able. **If you do not know or recall an answer, you may indicate that you do not know or recall the answer and move on to the next question.**

- A. Were you sexually abused by more than one person? Yes No

- B. Please identify each person who sexually abused you. If you do not remember the name of the sexual abuser(s), provide as much information about the individual that you recall and their relationship to the Diocese. What was the sexual abuser's position, title, or role?

- C. How were you introduced to your abuser? (if you know):

- D. Where did the sexual abuse occur? Please be as specific as possible and provide all relevant information that you recall including the City and State, name of the religious Parish, School, or Orphanage (if applicable). Did it occur in more than one location? If so, please be as specific as possible and provide all relevant information that you recall including the City and State, names of religious Parish or School or Orphanage (if applicable) of any other locations.

- E. When did the first act of sexual abuse take place? If you do not remember the calendar date, approximately what season of the year was it (spring, summer, fall, winter), approximately what age were you when it started, and, if applicable, what

school grade were you in at the time?

F. Approximately how frequently were you sexually abused?

G. If the sexual abuse took place on more than one date, please state approximately how many times it occurred and when it stopped. If you were sexually abused by more than one sexual abuser, indicate when the sexual abuse by each of the sexual abusers started and stopped. You may provide approximate dates if you do not recall the specific dates, but if that is the case, please indicate that you are providing approximate dates.

H. NARRATIVE SUMMARY: Please describe the sexual abuse in as much detail as you can recall in the lines below. You may attach additional pages if needed.

I. Did you, or did anyone you know of on your behalf, tell anyone about the sexual abuse when you were a child, including parents, family members, a friend, anyone affiliated with the Diocese, Parish, School, or Orphanage, law enforcement, including the district attorney's office, police department, or investigators, the Diocese's Victim Assistance Coordinator, Office of Children and Youth Protection, Victim Compensation Program or other similar Diocesan program?

Yes No

If so, what was the date you reported the abuse? Who did you tell?

J. Are you aware of anyone who knew about the sexual abuse committed against you, or the sexual abuser committing sexual abuse against other children?

Yes No

If your answer is "Yes", can you describe who they were and how they knew about the abuse?

K. Were you harmed in any way, directly or indirectly, by actions taken by the Diocese after the abuse? If so, please describe:

a. What happened:

b. When it happened:

c. The name, title, position or relationship to you of any individual involved in the subsequent wrongful conduct (if you know):

PART 4: IMPACT OF SEXUAL ABUSE

(Attach additional pages if necessary)

If you currently cannot describe any harm you have suffered on account of the sexual abuse, you may omit this section for now. However, you may be asked to provide the information requested at a later date.

A. Please describe how you believe you were impacted, harmed, damaged, or injured as a result of the sexual abuse you described above. You can check the boxes, fill in the narrative, or both. **Please note that the boxes are not meant to limit the characterization or description of the impact(s) of your sexual abuse** (Check all that apply).

- Psychological / emotional health (including depression, anxiety, shame, suicidal thoughts, feeling numb, feeling of worthlessness, difficulty managing or feeling emotions including anger)
- Post-traumatic stress reactions (including intrusive images, feelings from the abuse, numbing or avoidance behaviors, emotion dissociation behaviors)
- Mental Health diagnoses (including Obsessive Compulsive Disorder-OCD, Bipolar Disorder, Borderline Personality, Post Traumatic Stress Disorder-PTSD, Severe Depression, Generalized Anxiety)
- Physical health (including chronic disease, chronic undiagnosed pain or physical problems)
- Education (failing grades, not graduating high school, or being unable to finish other training or education)

If this box is checked, please also indicate your highest level of education completed or degree obtained:

- No High School Degree or GED
- High School/GED Some College
- Associate's Degree Bachelor's Degree
- Masters, PhD, MD, JD, or other higher education

- Employment (including difficulties with supervisors, difficulty maintaining steady employment, being fired from jobs)

If this box is checked please also indicate:

Are you currently employed: Yes No

If yes, please provide your current occupation and employer:

If no, please provide your former occupation:

- Intimate relationships (including difficulty maintaining emotional attachments with significant others, difficulty with sexual behavior, marriage, or infidelity)

If this box is checked, please also indicate:

Are you currently married: Yes No

Have you ever been divorced: Yes No

- Difficulties with parenting children, whether through challenges to attachment or overly protective parental behaviors
- Social relationships (including distrust of others, isolating yourself, not being able to keep healthy relationships)
- Alcohol, prescription or illegal drug use, narcotics, self-harm (i.e. cutting), and/or substance abuse
- Other addictive behaviors, including gambling and sex addiction
- Loss of faith, religion, and/or spirituality
- Other (please explain and add any other information you remember to the categories above)

B. IMPACT STATEMENT: If you wish to provide a narrative description of how you were impacted, harmed, damaged, or injured as a result of the sexual abuse you described above, please provide it below. Please provide in as much detail as you can recall in the lines below. You may use additional pages if needed.

C. TREATMENT HISTORY: Have you ever sought counseling or other mental health treatment for any reason even if you did not connect that treatment as being related to the sexual abuse that you described above?

Yes No

If your response to the prior question is “Yes,” please state with whom you sought counseling and when. You may attach additional pages if needed.

PART 5: ADDITIONAL INFORMATION

A. **Prior Litigation.** Was a lawsuit regarding the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim filed by you or on your behalf?

Yes No

(If “Yes,” you are required to attach a copy of the complaint.)

B. **Prior Bankruptcy Claims.** Have you filed any claims in any other bankruptcy case relating to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim?

Yes No

If “Yes”, please identify the bankruptcy case (If “Yes,” you are also required to attach a copy of any completed claim form.)

C. **Settlements.** Regardless of whether a complaint was ever filed against any party because of the sexual abuse, have you settled any claim relating to the sexual abuse you have described in this Sexual Abuse Survivor Proof of Claim?

Yes No (If “Yes,” please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

Have you ever accepted a prior settlement from the Diocese of Camden, New Jersey either through litigation or the Independent Victim Compensation Program (the IVCP)?

Yes No

If yes, please provide details of the settlement.

D. Services provided by the Diocese.

Did you receive, or are you currently receiving, counseling or other services provided by the Diocese?

Yes No

If yes, please provide the name of the service provider and description of the services.

E. Current Bankruptcy Case.

Are you currently a debtor in a bankruptcy case? Yes No

If yes, please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter of your bankruptcy: Chapter 7 Chapter 11 Chapter 12 Chapter 13

Name of Trustee: _____

SIGNATURE

To be valid, this Sexual Abuse Survivor Proof of Claim must be signed by you or your attorney. If the Sexual Abuse Survivor is deceased or incapacitated, the form must be signed by the Sexual Abuse Survivor’s representative or the attorney for the Sexual Abuse Survivor’s estate. If the Sexual Abuse Survivor is a minor, the form must be signed by the Sexual Abuse Survivor’s parent or legal guardian, or the Sexual Abuse Survivor’s attorney. (Any form signed by a representative or legal guardian must attach documentation establishing such person’s authority to sign this form for the Sexual Abuse Survivor.)

Penalty for presenting a fraudulent claim is a fine of up to \$500,000, imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152, 157 and 3571.

Check the appropriate box:

- I am the Sexual Abuse Survivor.
- I am the Sexual Abuse Survivor’s attorney, guardian, kinship (or other authorized) caretaker, executor, or authorized representative.
- Other (describe):

I have examined the information in this Sexual Abuse Survivor Proof of Claim and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing statements are true and correct.

Date: _____

Signature: _____

Print Name: _____

Relationship to Sexual Abuse Survivor (if not signed by Sexual Abuse Survivor):

Address: _____

Contact Phone: _____

Email: _____

EXHIBIT B

In re The Diocese of Buffalo, N.Y.
Case Number 20-10322

Confidential Sexual Abuse Claim Supplement

When submitting your Proof of Claim in this case, you are strongly encouraged to complete this supplemental form, and include it as an attachment to your claim. Submitting this supplemental form at the outset will help streamline the process of identifying claims and all applicable insurance coverage and expedite a distribution to creditors.

Please read all questions and instructions carefully, and answer to the best of your ability.

If you have an attorney, you should complete this form with the assistance of counsel.

This supplement applies to claims based on Sexual Abuse, which is defined as:

Any claim (as defined in section 101(5) of the Bankruptcy Code) against The Diocese of Buffalo, N.Y. (the "Diocese") resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, sexually-related psychological, or sexually-related emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in the New York Penal Law), and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Diocese or any other person or

entity for whose acts or failures to act the Diocese is or was allegedly responsible.

A "Sexual Abuse Claimant" is the person asserting a Sexual Abuse Claim against the Diocese. If the Sexual Abuse Claimant is a minor, a parent or legal guardian may complete this Sexual Abuse Proof of Claim on the minor's behalf. If the Sexual Abuse Claimant is deceased or incapacitated, the Sexual Abuse Claimant's legal representative or executor of the decedent's estate may complete this Sexual Abuse Proof of Claim on their behalf.

Counsel may sign this Questionnaire on behalf of their clients.

(Form begins on the next page)

PART 1: CONFIDENTIALITY

The information you share in this Questionnaire will be kept strictly confidential if it is submitted to Stretto, the Diocese's claims agent at the following address:

The Diocese of Buffalo N.Y., Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238

Only parties authorized by the Court, including the Diocese, the Official Committee of Unsecured Creditors (comprised of survivors of sexual abuse), insurers, and counsel to these parties, will be authorized to review the forms on a confidential basis.

PART 2: IDENTIFYING INFORMATION

Sexual Abuse Claimant

First Name	Middle Initial	Last Name	Suffix (if any)
------------	----------------	-----------	-----------------

Mailing Address

City	State/Province	Zip Code (Postal Code)
------	----------------	------------------------

(If party is incapacitated, is a minor or is deceased, please provide the address of the legal representative submitting the claim. If you are in jail or prison, list your current address).

Telephone No(s):

Home: _____

Work: _____

Cell: _____

(If you are represented by counsel, you may provide your attorney's work phone number instead of your own.)

Email address: _____

(If you are represented by counsel, you may provide your attorney's email instead of your own.)

Social Security Number (last four digits only): _____

If you are in jail or prison, your identification number and location of incarceration:

May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case leave voicemails for you regarding your claim? Yes No

May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case send confidential information to your email? Yes No

Birth Date: _____

Have you been known by any other names (including maiden name, if applicable)?

(Form continues on the next page)

b. Sexual Abuse Claimant's Attorney (if any)

Attorney & Law Firm Name:

Address:

Telephone & Email Address:

(Form continues on the next page)

PART 3: INFORMATION REGARDING SEXUAL ABUSE
(Attach additional separate sheets if necessary)

NOTE: *If you have previously filed a lawsuit against the Diocese in State or Federal Court, please attach the complaint or provide the name of the court and case number. Also please respond to the questions below.*

a. Who committed the acts of Sexual Abuse against you? Individuals identified in this section will be referred to as the “abuser” in questions below. If applicable, you may identify more than one abuser. Please provide the complete name(s) of each abuser to the best of your recollection. If you do not know the name(s) of each abuser, please identify them by title, position or other description.

b. How did you know the abuser? For example, was the abuser at your church, school or part of another group with which you were involved? Was the abuser a relative or family friend?

c. If the abuser was affiliated with a parish, please identify the parish.

d. If the abuser was affiliated with a church, school, or Diocesan organization, please identify such church, parish, school or organization.

e. Where did the Sexual Abuse take place? Please be specific and complete all relevant information to the best of your recollection, including the names of locations and addresses, if known.

f. When did the Sexual Abuse take place? Please be as specific as possible. If you do not recall the exact date, provide as much information as possible, including the year and season (fall, winter, spring, or summer, or school year and grade).

g. How old you were when the Sexual Abuse began and ended? If you do not recall the exact date, please try to provide as much information as possible, such as the year and season (fall, winter, spring, or summer, or school year and grade).

h. Please describe the nature of the abuse. If you are able, please specify what happened (e.g., the circumstances, approximate number of occurrences, frequency, duration, and type(s) of Sexual Abuse).

i. What injuries and/or damages have you experienced because of the act or acts of Sexual Abuse described above? Please provide as much detail as possible. For example, describe any injuries or damages, as well as any effect on your emotions, education, employment, personal relationships, health, or faith.

j. Have you sought counseling or other medical or mental health treatment for your injuries? If so, with whom, and when?

k. Have you ever asserted a claim against the Diocese, or against any entity

or individual other than the Diocese (including, but not limited to, any parish, church, school, or other organization) relating to the Sexual Abuse described in this claim? If you have please describe, in as much detail as possible, who the claim was asserted against, when the claim was asserted, and the result of such claim?

1. Did you tell anyone about the Sexual Abuse (including parents, relatives, friends, counselors, teachers, doctors, therapists, law enforcement, or representatives of the Diocese or any school or parish) and, if so, whom did you tell? If you did tell anyone, what did you tell that person? You do not need to disclose any communications you had with an attorney.

PART 4: BACKGROUND INFORMATION

a. Education – Please list all educational institutions you have attended including the names of the school, city and state.

b. Marital History – Please describe your marital history, including the date(s) you were married, and provide your current marital status. You do not need to identify the name(s) of your spouse(s) unless you want to.

c. Employment – Please list your employment history for the past 10 years including name of employer and position.

(Form continues on the next page)

PART 5: CERTIFICATION

Under penalty of perjury, I declare the foregoing statements to be true and correct to the best of my knowledge. **Counsel may sign this Questionnaire on behalf of a client.**

Print Name: _____

Sign Name: _____

Print Date: _____

If you are signing the claim on behalf of a minor, decedent or incapacitated person, please state your relationship to the Sexual Abuse Claimant below:

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Chapter 11
THE DIOCESE OF ST. CLOUD, a Minnesota Case No. 20-60337
religious corporation,
Debtor.

CONFIDENTIAL PROOF OF CLAIM (SEXUAL ABUSE)

**IMPORTANT: THIS FORM MUST BE RECEIVED
NO LATER THAN 5:00 P.M. CT, OCTOBER 21, 2020**

Carefully read the Notice and Instructions that are included with this CONFIDENTIAL PROOF OF CLAIM and complete ALL applicable questions. Send the **original** to: **Office of the Clerk of the Court, Attention Heidi Jackson, U.S. Bankruptcy Court District of Minnesota, 301 Diana E. Murphy United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415. If you mail or deliver the Confidential Proof of Claim form it must be received by the Clerk no later than 5:00 p.m. Central Time on October 21, 2020.**

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

UNLESS YOU EXPRESSLY REQUEST THAT YOUR PROOF OF CLAIM BE MADE PUBLIC, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD BY THE UNITED STATES BANKRUPTCY COURT. INFORMATION IN THIS CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE DEBTOR, DEBTOR’S COUNSEL, COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS, AND TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

TO BE VALID, THIS CONFIDENTIAL PROOF OF CLAIM MUST BE SIGNED BY THE CLAIMANT, A PERSON SUBMITTING THE CLAIM ON BEHALF OF A CLAIMANT, OR THE CLAIMANT’S ATTORNEY.
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

Please print clearly and use blue or black ink.

PART 1: CONFIDENTIALITY

THIS PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.

I want my Proof of Claim (along with any accompanying exhibits and attachments) to be made **public**.

Please verify this election by signing directly below.

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Claimant

First Name Middle Initial Last Name Jr/Sr/III

Street Address: (If party is incapacitated, provide the address of the party submitting the claim.)

City State/Prov. Zip Code (Postal Code) Country (if other than U.S.A.)

Telephone No.

Home: _____ Work: _____ Cell: _____

Birth Date - - Male Female
Month Day Year

Last Four Digits of Social Security Number: XXX-XX-_____

Any other name or names by which Claimant has been known: _____

B. Claimant's Attorney (if any):

Law Firm Name

Attorney's First Name Middle Initial Last Name

Street Address

City State/Prov. Zip Code (Postal Code) Country (if other than U.S.A.)

Telephone No. Fax No. E-mail address

PART 3: BACKGROUND INFORMATION

1. Are you currently married?

Yes No (If "Yes," please identify the name of your spouse and marriage date.)

2. Have you been previously married?

Yes No (If "Yes," please identify the name of your former spouse and, as applicable, the date(s) of any dissolution, divorce, separation, or widowhood.)

3. Do you have children?

Yes No (If "Yes," please identify their names and birthdates. If any children have died, please provide their date of death.)

4. Part 4 below will ask you about the nature of your complaint against The Diocese of St. Cloud. Other than the incident(s) of sexual abuse described in Part 4, have you ever been sexually abused by anyone else? If "Yes," please describe this abuse, including the date of the abuse and identify the abuser.

PART 4: NATURE OF COMPLAINT
(Attach additional separate sheets if necessary)

1. Who committed the acts of sexual abuse? _____

2. Position, Title or Relationship to You (if known).

3. Where did the sexual abuse take place? Please be specific and complete all relevant information that you know, including the City and State, name of the Parish, Mission or School (if applicable) and/or the name of any other location.

4. When did the sexual abuse take place?

a. If the sexual abuse took place over a period of time (months or years) please state when it started, when it stopped, and if it happened all during that time.

b. Please also state your age(s) and your grade(s) in school at the time the sexual abuse took place.

5. What happened (describe what happened):

6. Did you tell anyone about the sexual abuse (this would include parents, relatives, friends, the Diocese, attorneys, counselors, and law enforcement authorities)?

a. If "Yes," who did you tell? Please list the name(s) and any contact information you have.

b. What did you say?

c. When did you tell this person or persons about the abuse?

PART 5: IMPACT OF COMPLAINT
(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to the first question in this Part 5, you presently may leave the first question in this Part 5 blank, but you will be required to complete the first question in this Part 5 within thirty (30) days after a written request is made for the information requested in the first question of this Part 5.)

- 1. What injuries have occurred to you because of the act or acts of sexual abuse that resulted in the claim (for example, the effect on your education, employment, personal relationships, and health)?

- 2. Have you sought counseling or other treatment? If so, with whom and when?

PART 6: ADDITIONAL INFORMATION

- 1. Prior Non-Bankruptcy Claims: Have you previously filed any lawsuit seeking damages for the sexual abuse described in this claim?

Yes No (If "Yes," please answer the questions below.)

- a. Where and when did you file the lawsuit?

- b. Who were the parties to the lawsuit and what was the case number?

- c. What was the result of that lawsuit?

- 2. Prior or Current Bankruptcy Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim?

Yes No (If "Yes," you are required to attach a copy of any completed claim form filed in any other bankruptcy case.)

a. Did you receive any money on the claim you filed in any other bankruptcy case for sexual abuse?
 Yes No

b. If "Yes" how much did you receive and when.

c. If you have not received any money on the claim you filed in any other bankruptcy, have you been told you will receive money?
 Yes No (if "Yes" how much do you expect to receive? _____)

3. Any Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse, have you settled any claim or demand relating to the sexual abuse described in this claim?
 Yes No (If "Yes," please describe, including parties to the settlement, and you are required to attach a copy of any settlement agreement.):

Date: _____

Sign and print the name and title, if any, of the Claimant or other person authorized to file this claim. If you are signing this claim on behalf of a Claimant you must list your relationship to the Claimant.

Under penalty of perjury, I declare the foregoing statements to be true and correct.

Signature: _____

Print Name: _____

Relationship to Claimant (if not signed by Claimant): _____

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO**

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New Mexico
corporation sole,

Debtor.

Chapter 11

Case No. 18-13027-t11

SEXUAL ABUSE PROOF OF CLAIM

IMPORTANT:

**THIS FORM MUST BE RECEIVED NO LATER THAN
June 17, 2019 AT 5:00 P.M. (PREVAILING MOUNTAIN TIME)**

Carefully read Notice and Instructions that are included with this **CONFIDENTIAL PROOF OF CLAIM** and complete all applicable questions. Send together with one copy to: Clerk of the United States Bankruptcy Court, District of New Mexico at the following address: Office of the Clerk of Court-ATTN SEALED DOCUMENTS, U.S. Bankruptcy Court, District of New Mexico, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360 Albuquerque, NM 87102. If you prefer to hand deliver the completed Confidential Proof of Claim form to the Clerk, the physical address for hand delivery is Clerk of the United States Bankruptcy Court, District of New Mexico, 500 Gold Avenue SW, Tenth Floor, Albuquerque, New Mexico.

If you mail or deliver the Confidential Proof of Claim form it must be received by the Clerk no later than 5:00 p.m. (prevailing Mountain Time) on June 17, 2019.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

AND YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING TOLL FREE AT 888-570-6217.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY RESULT IN YOUR INABILITY TO VOTE ON A PLAN OF REORGANIZATION AND RECEIVE A DISTRIBUTION FROM THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE, COMMONLY KNOWN AS THE ARCHDIOCESE OF SANTA FE (THE "ARCHDIOCESE").

UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD OF THE BANKRUPTCY COURT. HOWEVER, THIS PROOF OF CLAIM AND THE INFORMATION IN THIS PROOF OF CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE ARCHDIOCESE, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND

TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

THIS PROOF OF CLAIM IS FOR SEXUAL ABUSE CLAIMANTS ONLY.

For the purposes of this Proof of Claim, a **Sexual Abuse Claim** is defined as any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archdiocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Archdiocese or any other person or entity for whose acts or failures to act the Archdiocese is or was allegedly responsible.

For Purposes of this Proof of Claim, a **Sexual Abuse Claimant** is defined as the person asserting a Sexual Abuse Claim against the Archdiocese, or if a minor, then his parent or legal guardian.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT’S REPRESENTATIVE, EXECUTOR OF THE ESTATE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT’S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT’S ATTORNEY.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

PART 1: CONFIDENTIALITY

THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL PURSUANT TO COURT-APPROVED GUIDELINES UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW. ONLY THE SEXUAL ABUSE CLAIMANT MAY WAIVE CONFIDENTIALITY IN THIS PART 1.

- I do not want this Proof of Claim (along with any accompanying exhibits and attachments) to be kept confidential. Please verify this election by signing directly below.

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

First Name Middle Initial Last Name Jr/Sr/III

Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address).

City State/Prov. Zip Code (Postal Code) Country(if other than U.S.A.)

Telephone No(s):
Home: _____ Work: _____ Cell: _____

Email address: _____

Social Security Number: _____

If you are in jail or prison, your identification number: _____

May we leave voicemails for you regarding your claim? Yes No

May we send confidential information to your email: Yes No

Birth Date: _____ Male Female
Month Day Year

Any other name, or names, by which the Sexual Abuse Claimant has been known:

B. Sexual Abuse Claimant's Attorney (if any):

Law Firm Name

Attorney's First Name Middle Initial Last Name

Street Address

City State/ Prov. Zip Code (Postal Code) Country (if other than U.S.A.)

Telephone No. Fax No. E-mail address

PART 3: NATURE OF COMPLAINT

(Attach additional separate sheets if necessary)

NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE ARCHDIOCESE IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.

a. Who committed the acts of sexual abuse or other wrongful conduct?

b. What is the position, title or relationship to you (if known) of the abuser or individual who committed these acts?

c. Where did the sexual abuse or other wrongful conduct take place? Please be specific and complete all relevant information that you know, including the City and State, name of the School (if applicable) and/or the name of any other location.

d. When did the sexual abuse or other wrongful conduct take place?

1. If the sexual abuse or other wrongful conduct took place over a period of time (months or years), please state when it started, when it stopped, and how many times it occurred.

2. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse or other wrongful conduct took place.

e. What happened (describe what happened):

f. Did you tell anyone about the sexual abuse or other wrongful conduct and, if so, who did you tell and when (this would include parents; relatives; friends; the Archdiocese; attorneys; counselors; and law enforcement authorities)?

g. Identify any church or religious organization you have belonged to or have been affiliated with.

h. State whether there were any witnesses to the abuse. If there were any witnesses, please list their name(s) and any contact information you have.

PART 4: IMPACT OF COMPLAINT

(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to this Part 4, you may leave this Part 4 blank, but you will be required to complete this Part 4 within thirty (30) days after a written request is made for the information requested in this Part 4)

- 1. What injuries (including physical, mental and/or emotional) have occurred to you because of the act or acts of sexual abuse or other wrongful conduct that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

- 2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

PART 5: ADDITIONAL INFORMATION

- 1. Prior Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim.

Yes No (If “Yes,” you are required to attach a copy of any completed claim form.)

If “Yes,” which case(s):

- 2. Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse or other wrongful conduct, have you settled any claim relating to the sexual abuse or other wrongful conduct described in this claim?

Yes No (If “Yes,” please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

3. Bankruptcy. Have you ever filed bankruptcy? Yes No (If “Yes,” please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 11 12 13 Name of Trustee: _____

4. State whether you have previously commenced any lawsuit seeking damages for the identified sexual abuse. If yes, please state:

a. Where and when you commenced the lawsuit:

b. The parties to the lawsuit:

c. The case number if any:

d. The result of the lawsuit:

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

Under penalty of perjury, I declare the foregoing statements to be true and correct.

Date: _____

Signature: _____

Print Name: _____

Relationship to Sexual Abuse Claimant: _____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Diocese of Winona-Rochester,

Debtor.

Bankruptcy Case No. 18-33707
Chapter 11 Case

SEXUAL ABUSE PROOF OF CLAIM FORM

**IMPORTANT:
THIS FORM MUST BE RECEIVED BY NO LATER THAN
APRIL 8, 2019**

Carefully read the instructions included with this Sexual Abuse Proof of Claim Form and complete ALL applicable questions. Please print clearly and use blue or black ink. Please send the original to the U.S. Bankruptcy Court Clerk at the following address:

Office of the Clerk of Court
U.S. Bankruptcy Court District of Minnesota
200 Warren E. Burger Federal Building and United States Courthouse
316 North Robert Street
St. Paul, MN 55101
Attn: Barbie

**THIS PROOF OF CLAIM IS FOR CLAIMANTS OF SEXUAL ABUSE ONLY.
YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

A sexual abuse claim includes any claim arising from sexual abuse as that term is defined in Minn. Stat. § 541.073(1), as well as from molestation, rape, undue familiarity, sexually-related physical, psychological, or emotional harm, or contacts or interactions of a sexual nature between a child and an adult or a non-consenting adult and another adult for which such persons believe that the Diocese of Winona-Rochester (the "Diocese") may be liable.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S REPRESENTATIVE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT DIES AFTER THE SUBMISSION OF THIS FORM, BUT BEFORE THE CLAIM IS

RESOLVED, NOTIFICATION OF THE DEATH MUST BE PROVIDED TO THE COURT AT THE ADDRESS ABOVE.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to five years, or both. 18 U.S.C. §§ 152, 3571.

UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC RECORD. HOWEVER, INFORMATION IN THIS CLAIM WILL BE PROVIDED, PURSUANT TO COURT-APPROVED CONFIDENTIAL GUIDELINES, TO COUNSEL FOR THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND OTHER COURT-APPROVED THIRD PARTIES, IN ORDER TO EVALUATE THE CLAIM.

YOUR PROOF OF CLAIM MAY BE DISPUTED OR HONORED IN WHOLE OR IN PART. THE DIOCESE RESERVES THE RIGHT TO OBJECT OR TO ASSERT OFFSETS OR DEFENSES AGAINST ANY FILED PROOF OF CLAIM.

PART 1: CONFIDENTIALITY

THIS SEXUAL ABUSE PROOF OF CLAIM FORM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW.

- I want my Proof of Claim (along with any accompanying exhibits and attachments) to be kept confidential.
- I want my Proof of Claim (along with any accompanying exhibits and attachments) to be made public.

Please verify this election by signing directly below:

Signature: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

First Name Middle Initial Last Name Jr/Sr/III

Mailing Address (If Party is incapacitated, is a minor, or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address.)

City State/Prov. Zip Code (Postal Code) Country
(if other than USA)

Telephone No(s):
Home: _____ Work: _____ Cell: _____

Email address: _____

If you are in jail or prison, your identification number: _____

May we leave voicemails for you regarding your claim: Yes No

May we send confidential information to your email: Yes No

Birth Date: _____ Male Female
Month Day Year

Last Four Digits of Social Security Number: XXX-XX- _____

Any other name(s) or alias(es) by which the Sexual Abuse Claimant has been known:

B. Sexual Abuse Claimant’s Attorney (if any – do not list counsel for the Diocese or the Official Unsecured Creditors Committee):

Law Firm Name

Attorney’s First Name Middle Initial Last Name

Street Address

City State/Prov. Zip Code (Postal Code) Country
(if other than USA)

Telephone No. Fax No. Email Address

PART 3: BACKGROUND INFORMATION

1. Are you currently married?

Yes No (if “Yes,” please identify the name of your spouse and marriage date)

2. Have you been previously married?

Yes No (if “Yes,” please identify the name of your former spouse and, as applicable, the date(s) of any dissolution, divorce, separation, or widowhood)

3. Do you have children?

Yes No (if “Yes,” please identify their names and birthdates. If any children have died, please provide their date of death)

4. What schools have you attended? For each school, please identify the months and years of your attendance. If you cannot recall the exact months when you began or ended each school year, please identify the season (fall, winter, spring, summer).

5. Have you received a diploma or degree from any of the schools listed above?

Yes No (if “Yes,” please identify each diploma or degree that you received and the year you received it)

6. Have you served in the armed forces?

Yes No (if "Yes," please identify the branch of service, the dates you served, and, if you have been discharged, the type of discharge you received)

7. Are you currently employed?

Yes No (if "Yes," please identify the name of the organization where you are employed, the date of your employment began, and your job title)

8. What is your employment history? Please provide the following information about each place you have previously been employed: (i) the name of the organization where you were employed; (ii) the dates of employment; (iii) your job title(s); and (iv) your reason for leaving the place of employment.

9. Have you been self-employed?

Yes No (if "Yes," please provide your job responsibilities, any business name you used, and the dates of this business)

10. Are you retired?

Yes No (if "Yes," please identify when you retired)

11. Part 4 below will ask you about the nature of your complaint against the Diocese of Winona-Rochester. Other than the incident(s) of sexual abuse described in Part 4, have you ever been sexually abused by anyone else? If “Yes,” please describe this abuse, including the date of the abuse and identify the abuser.

PART 4: NATURE OF ABUSE

(Attach additional separate sheets if necessary)

NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE DIOCESE OF WINONA-ROCHESTER IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT OR IF THE COMPLAINT DOES NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.

1. Who committed each act of sexual abuse?

2. What is the position, title, or relationship to you of the abuser or individual who committed these acts?

3. Where did the sexual abuse take place? Please be specific and complete all relevant information that you know, including the City and State, name of the parish or school (if applicable), and/or the names of any other location.

4. When did the sexual abuse take place?

a. Please be as specific as possible. If you can, please indicate the day, month, and year. If you cannot recall the month, please try to recall the season (fall, winter, spring, summer).

b. If you were sexually abused on more than one occasion, please state when the abuse started, when it stopped, and how many times it occurred.

c. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse took place.

5. Please describe in as much detail as possible the nature of the sexual abuse. What happened?

6. Did you tell anyone about the sexual abuse (this would include parents, relatives, friends, the Diocese of Winona-Rochester, attorneys, counselors, and law enforcement authorities)?

a. If "Yes," who did you tell? Please list the name(s) and any contact information you have.

b. What did you say?

c. When did you tell this person or persons about the abuse?

d. If you know, what did the person or persons do in response?

7. Where there any witnesses? If so, please list their name(s) and any contact information you have, including addresses.

8. Do you personally know or have reason to believe that the Diocese of Winona-Rochester knew that your abuser was abusing you or others before or during the period when such abuse occurred? If “Yes,” please provide all information that supports your conclusion, including the information requested in items 8(a) through 8(e) below.

a. Who at the Diocese of Winona-Rochester knew that your abuser was abusing you or others?

b. How did such person or persons at the Diocese of Winona-Rochester learn this information? For example, did you report the abuse to someone from the Diocese? Did someone else tell you they reported it to someone from the Diocese? Did someone from the Diocese witness the abuse?

c. When did such person or persons at the Diocese of Winona-Rochester learn this information?

d. What exactly was the person or persons from the Diocese told or what exactly did they observe?

e. How did you come to have the information you provided in response to the questions above?

PART 5: IMPACT OF ABUSE
(Attach additional separate sheets if necessary)

1. What injuries have occurred to you because of the act or acts of sexual abuse that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

2. Have you sought counseling or other treatment for your injuries? If “Yes,” with whom and when?

PART 6: ADDITIONAL INFORMATION

1. Prior Non-Bankruptcy Claims: Have you previously filed any lawsuit seeking damages for the sexual abuse described in this claim?

Yes No (if “Yes,” please answer the questions below)

a. Where and when did you file the lawsuit?

b. Who were the parties to the lawsuit and what was the case number?

c. What was the result of that lawsuit?

2. Prior Bankruptcy Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim?

Yes No (if "Yes," you are required to attach a copy of any completed claim form)

3. Any Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse, have you settled any claim or demand relating to the sexual abuse described in this claim?

Yes No (if "Yes," please describe, including parties to, the settlement and you are required to attach a copy of any settlement agreement)

4. Bankruptcy: Have you ever filed bankruptcy?

Yes No (if "Yes," please provide the following information)

Name of Case: _____

Court: _____

Date Filed: _____ Case No.: _____

Chapter: 7 11 12 13 Name of Trustee: _____

Date: _____

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

Under penalty of perjury, I declare the foregoing statements to be true and correct:

Signature: _____

Print Name: _____

Title: _____