

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

In re:

Case No. 23-16969

Roman Catholic Archbishop of Baltimore,

Chapter 11

Debtor.

Judge Michelle M. Harner

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' NOTICE OF
PRESENTATION OF SURVIVOR STATEMENTS**

The Official Committee of Unsecured Creditors (the “**Committee**”) respectfully submits this notice (the “**Notice**”) of its intent to facilitate the presentation of Survivor statements from 10:00 A.M. to 12:00 P.M. (Noon) on Monday, April 8, 2024, and again from 10:00 A.M. to 12:00 P.M. (Noon) on Monday, May 20, 2024. In support of its Notice, the Committee submits as follows:

1. This bankruptcy case was filed to redress the collective harm that Survivor claimants have experienced. The Debtor acknowledges in its Informational Brief that it filed this case to “fairly provide compensation for unresolved claims of survivors of abuse and preserve the ability of the [Debtor] to continue providing essential ministries and services within the Archdiocese.” [ECF No. 5 at ¶ 170].

2. The Debtor's bankruptcy filing stayed the filing of Survivor lawsuits in other tribunals. As a result, unless a specific accommodation is made, Survivor claimants will have no opportunity to be heard regarding the terrible and life-altering events they experienced as children. Survivors will simply be left with the right to file a proof of claim.

3. Survivor voices have been silenced for many years. This proceeding is likely the only opportunity that Survivors in Baltimore will have to seek acknowledgement and justice for the decades of isolation and pain they endured.

4. On multiple occasions, the Court has encouraged Survivors to participate in this chapter 11 case.¹ Survivors serving on the Committee have heard and appreciated the Court's encouragement.

5. Based on past experiences of its counsel, as well as feedback received from Survivors and their attorneys in this case to date, the Committee believes that accommodating the direct involvement of Survivor claimants in these proceedings will properly balance the case narrative and deepen the collective understanding of the histories and perspective of a critical constituency in the case.

6. The Committee further believes that providing Survivors with a meaningful voice in these proceedings will serve to build trust in the process and, ultimately, enhance prospects for a timely and fair global settlement that includes expanded protocols to support the protection of children within the Archdiocese going forward.

¹ E.g., TRANSCRIPT OF HEARING ON OCTOBER 3, 2023, *In re Archbishop of Baltimore*, BKY No. 23-16969, Dkt. 91 at 100 (Bankr. D. Md.); TRANSCRIPT OF MOTION HEARING ON NOVEMBER 6, 2023, *In re Archbishop of Baltimore*, BKY No. 23-16969, Dkt. 212 at 25:10-28: 10 (Bankr. D. Md.) (**The Court**: "I encourage you to be innovative and think about the ways this Court can provide due process notice and an opportunity to be heard in a way that provides perhaps more meaningful resolution to parties than perhaps money can. I don't want people to undervalue toe bankruptcy process. I think it could be really helpful here if we use it in a constructive way."); TRANSCRIPT OF HEARING ON DECEMBER 18, 2023, *In re Archbishop of Baltimore*, BKY No. 23-16969, Dkt. 297 at 63:6-16 (Bankr. D. Md.) (**The Court**: "Well -- and I will tell you, I like that option because as I tried to express from day one in this case, I think it's important for the survivors to feel like they're being heard. And if there's survivor who wants to tell his or her story in a public way, I'm not sure we should stop that from doing that. But I think if we use the default as being confidential because again, I don't want to chill people from coming forward, but give people the option to make their claim public, I'm comfortable with that, and I think it's in the spirit of everything we've been discussing this morning.").

7. In other diocesan bankruptcy proceedings, Survivors have been afforded an opportunity to address the Debtor, the Court, and their broader communities in an effort to acknowledge collectively the harm caused by decades of denial and silence.² These Survivor statements served as an important step in the process of healing, communication, and atonement for Survivors and the Church.³

8. An opportunity exists in this case to allow Survivor claimants a meaningful voice early in the process. Pursuing this opportunity would communicate clearly to Survivor claimants that their voices are valued, that their suffering was (and remains) real, and that their histories will no longer be silenced or overlooked in deference to transactional or institutional priorities.

9. From the perspective of jurists and legal practitioners, it can be easy to overlook the empowerment and healing that arises for a person who has been injured when (s)he is allowed to speak directly to the forum that will ultimately determine his or her rights. Upon hearing from Survivors directly, the Court may also be better equipped to weigh a broad range of complex issues that could arise as the case proceeds.

10. The Committee also believes that community awareness of this public hearing will increase knowledge and understanding of the bankruptcy case in advance of the claims bar date so that additional survivors may participate in the case by timely filing proofs of claim.

² E.g., TRANSCRIPT OF CONFIRMATION HEARING AND JOINT AMENDED PLAN OF REORGANIZATION, *In re Roman Catholic Diocese of Harrisburg*, BKY No. 20-bk-0059, Dkt. 1537 at 18:18-26:17 (Bankr. M.D.Pa.); TRANSCRIPT OF PROCEEDINGS BEFORE THE HONORABLE FRANCES TYDINGCO-GATEWOOD CHIEF JUDGE, *In re Archbishop of Agaña*, BKY No. 19-00010, Dkt. 1092 at 23:3-25:17 (Bankr. D. Guam).

³ The Committee does not intend the Survivor statements to replace Survivor proofs of claim, to have any evidentiary weight, prejudice the rights of any party, or otherwise require any party to offer supporting or conflicting statements.

11. For the above reasons, the Committee respectfully asks the Court to reserve a two-hour period, from 10:00 A.M. to 12:00 P.M. (Noon), on Monday, April 8, 2024,⁴ and a second two-hour period, from 10:00 A.M. to 12:00 P.M. (Noon), on Monday, May 20, 2024, to permit Survivor Statements from certain members of the Committee and other Survivor claimants who have expressed a willingness and desire to address the Court.⁵

12. The Committee further respectfully asks the Court to clarify at the hearing that sole purpose of Survivor Statements shall be to increase engagement and understanding. Consistent with that principle, and to encourage candor and maximize the effectiveness and impact of the exercise, the Committee also respectfully requests that Survivor Statements be offered off to the Court without being transcribed by a court reporter.⁶

WHEREFORE, the Committee respectfully requests that the Court reserve time for Survivors to present off-the-record statements to the Court from 10:00 A.M. to 12:00 P.M. (Noon) on both April 8, 2024, and May 20, 2024.

⁴ The Committee reserves the right to offer additional Survivor statements at a later date. The Committee will file a similar notice in advance of any such hearing and provide parties with notice of its intention to present Survivor statements.

⁵ The Court has inherent authority to manage its own docket and affairs to achieve orderly and expeditious disposition of cases. *See* 11 U.S.C. § 105(a); *Dietz v. Bouldin*, 579 U.S. 40, 47 (2016); *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630–31 (1962); *Landis v. N. Am. Co.*, 299 U.S. 248, 254– (1936).

⁶ *See* 28 U.S. Code § 753(b)(2) (“Proceedings to be recorded under this section include ... (2) all proceedings in other cases had in open court **unless the parties with the approval of the judge shall agree specifically to the contrary** ...”). (emphasis added); *see also, e.g., U.S. v. Jeffers*, 570 F.3d 557, 564–65 (4th Cir. 2009) (“Pertinent to this issue, the Seventh Circuit has explained that the Court Reporter Act ‘does not require the conference on jury instructions to be held in open court.’”) (citing *United States v. Murphy*, 768 F.2d 1518, 1535 (7th Cir. 1985)); *U.S. v. Piascik*, 559 F.2d 545, 548 (9th Cir. 1977) (“We do not suggest that every word spoken during a criminal trial must be recorded as, for example, during a bench conference where neither party requests that the conference be recorded. We note, also, that the statute refers to proceedings ‘in open court’ which probably excludes the pre-charge discussions of court and counsel when in chambers.”).

Dated:

Respectfully Submitted,

/s/ Alan M. Grochal

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of March 2024, a copy of the foregoing Notice Request to Present Survivor Statements was served on D. Roth, Esquire, Holland & Knight LLP, 511 Union Street, Suite 2700, Nashville, TN 37219, blake.roth@hklaw.com; Catherine K. Hopkin, Esquire, YVS Law LLC, 185 Admiral Cochrane Drive, Suite 130, Annapolis, Maryland 21401, chopkin@yvslaw.com; Hugh Bernstein, Esquire, Office of the United States Trustee, 101 West Lombard Street, Suite 2625, Baltimore, Maryland 21201, hugh.m.bernstein@usdoj.gov; and to all parties on the attached matrix that are registered to receive electronic filings through the CM/ECF system.

/s/Alan M. Grochal

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The following parties received CM/ECF notice of the filing:

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