

So Ordered.

Signed this 3 day of November, 2022.



Wendy A. Kinsella
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:)

The Roman Catholic Diocese of Syracuse,)
New York,)

Debtor.)

Case No. 20-30663

Chapter 11

ORDER ESTABLISHING SUPPLEMENTAL BAR DATE FOR ADULT CLAIMS

Upon the motion [Docket No. 1037] (the “Motion”) of The Roman Catholic Diocese of Syracuse, New York (the “Diocese”), for entry of an order establishing a supplemental bar date for Adult Claims (defined below) and granting related relief; and all objections to the Motion having been resolved or overruled; and upon finding that: (a) the Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (b) that venue of this Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (c) that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); (d) the relief requested in the Motion is in the best interests of the Diocese, its estate, creditors and other parties in interest; and (e) proper and

adequate notice of the Motion has been given under the circumstances and, except as otherwise ordered herein, no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is hereby GRANTED as set forth herein.

2. Notwithstanding any deadlines set forth in the *Bar Date Order Establishing April 15, 2021 as the Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* [Docket No. 214] (the “Bar Date Order”),¹ any Sexual Abuse Proof of Claim which asserts a Sexual Abuse Claim against the Diocese arising from abuse which is alleged to have occurred on or after the date on which the Sexual Abuse Claimant achieved the age of eighteen (18) years and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A), would have been subject to a statute of limitations defense under New York law (an “Adult Claim”), shall be deemed timely, with respect to such Adult Claim only, if it is actually received by Stretto, the Diocese’s Claim and Noticing Agent on or before **January 17, 2023, at 11:59 P.M. (prevailing Eastern time)** (the “Supplemental Bar Date”). For the avoidance of doubt, the Supplemental Bar Date shall be binding upon all parties in interest in this case notwithstanding that the applicable period of time for the commencement of lawsuits under the Adult Survivors Act extends beyond the Supplemental Bar Date.

3. Except to the extent modified by paragraph 2 above, all terms and provisions of the Bar Date Order (including, without limitation, those provisions of the Bar Date Order relating to the Confidentiality Protocol and the form and manner of submission of Sexual Abuse Claim Proofs) shall remain in effect and shall apply with respect to all Adult Claims. Nothing in this

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Bar Date Order.

Order shall be deemed to modify the Bar Date Order in any way with respect to any claims which are not Adult Claims.

4. For the avoidance of doubt, nothing in this Order shall require any Sexual Abuse Claimant who has previously submitted a Sexual Abuse Proof of Claim asserting an Adult Claim in accordance with the Bar Date Order to file any additional proofs of claim.

5. The form of Supplemental Bar Date Notice attached hereto as *Exhibit 1* (the “Supplemental Bar Date Notice”) is hereby approved.

6. The form of Publication Notice attached hereto as *Exhibit 2* (the “Publication Notice”) is hereby approved.

7. As promptly as possible following entry of this Order, the Diocese shall serve (i) the Supplemental Bar Date Notice (ii) a copy of this Order (without exhibits or schedules), (iii) a copy of Official Form 410, and (iv) a Confidential Sexual Abuse Claim Supplement by first class mail upon each person, or their respective counsel, who the Diocese knows to have asserted a possible Adult Claim and who has not already filed a proof of claim in this Chapter 11 Case.² The Diocese shall also serve a copy of the Supplemental Bar Date Notice upon the Office of the United States Trustee, counsel to the Committee, and any person who has filed a notice of appearance and requested service of papers in this Chapter 11 Case pursuant to Bankruptcy Rule 2002.

8. In addition to providing direct notice as set forth above, subject to applicable publication guidelines and submission deadlines, the Diocese shall cause the Publication Notice to be published once in either *The New York Times* or *USA Today* and twice in each of *The Post Standard*, *The Rochester Democrat & Chronicle*, *The Observer-Dispatch*, *The Press & Sun*

² The Diocese is hereby authorized to file under seal any certificates of service to the extent they may identify possible holders of Adult Claims.

Bulletin, The Albany Times Union, The Catholic Sun, North Country Catholic, and The Evangelist with such publication to occur as promptly as practicable.

9. In addition to the foregoing publication, the Diocese shall take the following additional measures to disseminate information relating to the Supplemental Bar Date as soon as practicable following entry of this Order.

- a. Beginning not later than November 15, 2022 and continuing through at least the Date of the Supplemental Bar Date, the Diocese will cause prominent, one-click links to the Sexual Abuse Claim Notice Package to be posted on the case management website maintained by Stretto with such links to be pinned at the top of the website.
- b. Beginning not later than November 15, 2022 and continuing through at least the Date of the Supplemental Bar Date, the Diocese will cause Stretto to maintain a telephone number which may be used by claimants to ask questions or to request copies of the Sexual Abuse Claim Notice Package, or parts thereof.
- c. Beginning not later than November 15, 2022 and continuing through at least the Date of the Supplemental Bar Date, the Diocese will cause links to the Sexual Abuse Claims Notice Package to be prominently posted on the Diocese's website homepage with such links to be pinned at the top of the website. Not later than November 15, 2022 and again on December 15, 2022, the Diocese shall post notice of the Bar Date on its Facebook and Twitter accounts.
- d. The Diocese will mail a copy of the Publication Notice to each parish and ministry (except primary and secondary schools) overseen by the Bishop of the Diocese with a request and recommendation to display the Publication Notice in a prominent place until expiration of the Supplemental Bar Date and to publish a copy of the Publication Notice in parish bulletins.
- e. The Diocese will mail a copy of the Supplemental Bar Date Notice to the following on the Diocese's stationary and shall request that the party post the Supplemental Bar Date Notice in a prominent place until the expiration of the Supplemental Bar Date:
 - i. the Attorney General of the State of New York; and
 - ii. For each of the counties of Broome, Chenango, Cortland, Madison, Oneida, Onondaga, Oswego:
 - aa. the district attorney's office;

- bb. sheriff's office;
- cc. at least one public health agency (if any); and
- dd. at least one substance abuse agency or hospital (if any).

10. The Court finds that the form and manner of giving notice of the Supplemental Bar Date as approved herein fulfills the notice requirements of the Bankruptcy Code and Bankruptcy Rules and is reasonably calculated under the circumstances to comply with the due process rights of all parties under the standards established in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012) and that no other or further notice of the Supplemental Bar Date is required.

11. Nothing contained in this Order is intended or should be construed as a finding as to the validity of any claim against the Diocese, and all parties retain all rights to dispute any claim on any grounds. All parties retain the right to dispute, or to assert offsets or defenses to, any claim (whether or not reflected on the Schedules or any amendments thereto) as to amount, liability, classification, or otherwise, and to subsequently designate any claim as contingent, unliquidated or disputed.

12. The Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

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EXHIBIT 1

Form of Supplemental Bar Date Notice

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

)	
In re:)	
)	Case No. 20-30663
The Roman Catholic Diocese of Syracuse,)	
New York,)	Chapter 11
)	
Debtor.)	
)	

NOTICE OF SUPPLEMENTAL BAR DATE FOR ADULT CLAIMS

TO ALL PERSONS AND ENTITIES WITH SEXUAL ABUSE CLAIMS AGAINST THE ROMAN CATHOLIC DIOCESE OF SYRACUSE, NEW YORK:

PLEASE TAKE NOTICE that, on June 19, 2020 (the “Petition Date”) The Roman Catholic Diocese of Syracuse, New York (the “Diocese”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 *et seq.*, the “Bankruptcy Code”) in the United States Bankruptcy Court for the Northern District of New York (the “Bankruptcy Court”). Information regarding the Diocese, its business, and other relevant information related to this chapter 11 case (the “Chapter 11 Case”) may be obtained by visiting the following case management website maintained by Stretto, the Diocese’s Claims and Noticing Agent at: <https://case.stretto.com/diocesefofsyracuse>.

PLEASE TAKE FURTHER NOTICE that, on November 6, 2020, the Bankruptcy Court entered an order [Docket No. 214] (the “Bar Date Order”)¹ establishing April 15, 2021 at 11:59 p.m. (prevailing Eastern time), as the deadline for all persons and entities, including governmental units and persons asserting Sexual Abuse Claims,² to file prepetition claims in this Chapter 11 Case (the “Bar Date”).

PLEASE TAKE FURTHER NOTICE that, pursuant to an order entered on November __,

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Bar Date Order.

² Pursuant to the Bar Date Order, the term “Sexual Abuse Claim” means 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 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.

2022 [Docket No. ____] (the “Supplemental Bar Date Order”), and notwithstanding any deadlines set forth in the Court’s Bar Date Order, any Sexual Abuse Proof of Claim which asserts a Sexual Abuse Claim against the Diocese arising from abuse which is alleged to have occurred on or after the date on which the Sexual Abuse Claimant achieved the age of eighteen (18) years and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A), would have been subject to a statute of limitations defense under New York law (an “Adult Claim”), shall be deemed timely with respect to such Adult Claim only if it is actually received by Stretto, the Diocese’s Claim and Noticing Agent on or before **January 17, 2023, at 11:59 P.M. (prevailing Eastern time)** (the “Supplemental Bar Date”).

PLEASE TAKE FURTHER NOTICE that, except as modified by the Supplemental Bar Date Order, all terms and provisions of the Bar Date Order with respect to the form and manner of submission of Sexual Abuse Claim Proofs of Claim (including, without limitation, those provisions of the Bar Date Order relating to the Confidentiality Protocol and the Confidential Sexual Abuse Claim Supplement) shall remain in effect and shall apply with respect to all Adult Claims.

PLEASE TAKE FURTHER NOTICE that, all Sexual Abuse Claimants asserting an Adult Claim should submit their completed proof of claim in substantial conformity with Official Form 410 together with a completed Confidential Sexual Abuse Claim Supplement. The failure to include the Confidential Sexual Abuse Claim Supplement with your proof of claim may be the basis for a valid objection to your claim. Copies of Official Form 410 and the Confidential Sexual Abuse Claim Supplement may be obtained by visiting <https://case.stretto.com/dioceseforsyracuse>, or may be requested by calling (855) 329-4244.

PLEASE TAKE FURTHER NOTICE that, Sexual Abuse Proofs of Claim asserting Adult Claims may be submitted to Stretto, the Diocese’s Claims and Noticing Agent, either (i) electronically using the interface available at <https://case.stretto.com/dioceseforsyracuse> or (ii) by delivering an original copy by hand mail or overnight courier to The Roman Catholic Diocese of Syracuse, New York, Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. Proofs of claim will be deemed filed only when actually received by Stretto. Proofs of claim submitted electronically will be acknowledged via electronic mail or confirmation number from Stretto at the time of submission. If you wish to receive acknowledgement of Stretto’s receipt of a proof of claim submitted in paper format, you must also submit with your original proof of claim: (i) one additional copy of your original proof of claim; and (ii) a self-addressed, postage pre-paid return envelope.

PLEASE TAKE FURTHER NOTICE that, all Sexual Abuse Proofs of Claim will be treated confidentially in this Chapter 11 Case unless the Sexual Abuse Claimant elects to have his or her claim publicly disclosed. Any Sexual Abuse Proof of Claim that you file will not be available to the general public, and will be kept confidential, except that information will be provided to Authorized Parties under the Bar Date Order, all of whom will agree to keep the information provided by you confidential pursuant to the Bar Date Order.

PLEASE TAKE FURTHER NOTICE, THAT IF YOU HAVE ALREADY FILED A SEXUAL ABUSE PROOF OF CLAIM ASSERTING AN ADULT CLAIM YOU ARE NOT REQUIRED TO TAKE ANY ADDITIONAL ACTION AT THIS TIME.

YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU HAVE A CLAIM OR WHETHER YOU MUST FILE A PROOF OF CLAIM. YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING (855) 329-4244.

NOTHING IN THIS NOTICE SHALL BE CONSTRUED AS LIMITING ANY PARTY'S RIGHTS TO: (I) DISPUTE, OR TO ASSERT OFFSETS OR DEFENSES AGAINST, ANY FILED CLAIM OR ANY CLAIM LISTED OR REFLECTED IN THE SCHEDULES AS TO NATURE, AMOUNT, LIABILITY, CLASSIFICATION OR OTHERWISE; AND (II) SUBSEQUENTLY DESIGNATE ANY CLAIM AS DISPUTED, CONTINGENT OR UNLIQUIDATED.

Dated: November __, 2022

BOND, SCHOENECK & KING PLLC

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EXHIBIT 2

Form of Publication Notice

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

In re The Roman Catholic Diocese of Syracuse, New York
Case No. 20-30663

PLEASE TAKE NOTICE THAT, On June 19, 2020, The Roman Catholic Diocese of Syracuse, New York, ("Diocese") filed for protection under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

The Court has established **January 17, 2023 at 11:59 p.m.** (prevailing Eastern time) (the "Supplemental Bar Date") as the deadline to assert claims against the Diocese arising from or relating to abuse that occurred when the survivor was 18 years of age or older, and which, prior to the enactment of the Adult Survivors Act (S.66A/A.648A) would have been subject to a statute of limitations defense ("Adult Claims").

If you have an Adult Claim against the Diocese you must file a claim on or before the Supplemental Bar Date, which will be treated confidentially in accordance with prior court orders in this Case.

Please visit <https://case.stretto.com/diocesefofsyracuse> for call (855) 329-4244 for more information on how to file your proof of claim.

IF YOU DO NOT TIMELY FILE A PROOF OF CLAIM, YOU MAY FORFEIT YOUR RIGHT TO VOTE ON ANY PLAN OF REORGANIZATION AND TO SHARE IN ANY DISTRIBUTIONS TO CREDITORS IN CONNECTION WITH THE DIOCESE'S CHAPTER 11 CASE.