

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

The Archdiocese of Saint Paul and Minneapolis,

Bankruptcy Case No. 15-30125

Debtor.

Chapter 11 Case

**ORDER ESTABLISHING DEADLINES FOR FILING PROOFS OF CLAIM;
APPROVING PROOF OF CLAIM FORMS; APPROVING FORM AND MANNER OF
NOTICE; AND APPROVING CONFIDENTIALITY PROCEDURE**

The case came before the court on the motion of the Archdiocese of Saint Paul and Minneapolis for an order establishing deadlines for filing proofs of claim, approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures in connection with the filing of proofs of claim.

Based on the motion and the file,

IT IS ORDERED:

1. The Archdiocese's motion for an order establishing deadlines for filing proofs of claim, approving proof of claim forms, approving the form and manner of notice, and approving confidentiality procedures in connection with the filing of proofs of claim is granted as set forth in this order.

FORMS

2. The Sexual Abuse Proof of Claim Form, the Non-Tort Filing Deadline Notice, the Sexual Abuse Claims Filing Deadline Notice and the Publication Notice, in the forms attached as Exhibits A, B, C, and D are approved. Creditors with claims other than sexual abuse claims may use the official proof of claim form B10.

NOTICE

3. The form and manner of notice as approved in this order fulfill the notice requirements of the Federal Rules of Bankruptcy Procedure and the local rules of this court. Notice of the filing deadlines in the form and manner attached is fair and reasonable and will provide sufficient notice to all creditors of their rights and obligations in connection with claims they may assert in this case. Accordingly, the Archdiocese is authorized and directed to serve and publish the notices in the manner described in this order.

DEADLINE FOR TIMELY FILING CLAIMS

4. The last day to timely file a proof of claim in this case is set as **August 3, 2015**.

REQUIREMENTS FOR SEXUAL ABUSE PROOF OF CLAIM FORMS

5. Persons asserting claims arising from sexual abuse as that term is defined in Minnesota Statutes § 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 Archdiocese may be shall file a Sexual Abuse Proof of Claim Form (Ex. A).

6. The Clerk of Court shall maintain a copy of each Sexual Abuse Proof of Claim Form in electronic form in accordance with the confidentiality procedures outlined below. The Clerk of Court will assign each Sexual Abuse Proof of Claim Form a number and shall list that number on the public docket without a link to the Sexual Abuse Proof of Claim Form and without the name of the claimant. All original Sexual Abuse Proof of Claim Forms shall be turned over to the attorneys for the Archdiocese at regular intervals.

CONFIDENTIALITY PROCEDURES

7. Sexual Abuse Proof of Claim Forms shall be submitted pursuant to the following confidentiality procedures:

(i) Sexual Abuse Claimants shall mail or deliver the original of a Sexual Abuse Proof of Claim Form to the Clerk of the United States Bankruptcy Court for the District of Minnesota, Attention B. Montez at the following address: 200 Warren E. Burger Federal Building and United States Courthouse, 316 N. Robert Street, Saint Paul, Minnesota 55101.

(ii) Sexual Abuse Proof of Claim Forms maintained by the Clerk of Court will not be available for viewing or copying unless otherwise ordered by the court. This confidentiality procedure is for the benefit of the Sexual Abuse Claimants. Accordingly, Sexual Abuse Claimants may elect to make any of the information contained in a Sexual Abuse Proof of Claim Form public, even if they elected to file the Sexual Abuse Proof of Claim Form confidentially. If a Sexual Abuse Claimant affirmatively indicates by checking the box in Part 1 of the Sexual Abuse Proof of Claim Form that the claim is to be made public, that claim will be added to the public claims register. If no box is checked or if both boxes are checked on a Sexual Abuse Proof of Claim Form, that form shall not be made public.

(iii) Sexual Abuse Proof of Claim Forms submitted by Sexual Abuse Claimants shall be held and treated as confidential by the Archdiocese and its counsel and upon request to the permitted parties listed below, subject to each permitted party executing and returning to the Archdiocese's counsel a confidentiality agreement, and to such other persons as the court determines; provided, however, that all parties with access to the Sexual Abuse Proof of Claim Forms shall agree to keep the information provided in a Sexual Abuse Proof of Claim Form confidential (unless the Sexual Abuse Claimant elects otherwise in Part 1 of the Sexual Abuse Proof of Claim Form). Permitted Parties may obtain copies of Sexual Abuse Proof of Claim Forms in accordance with the terms of an applicable confidentiality agreement only from counsel for the Archdiocese, and shall not seek or obtain such documents from the clerk of court.

(iv) Permitted parties include: (a) counsel for the Archdiocese; (b) officers and employers of the Archdiocese who are necessary to assist the Archdiocese and its counsel address issues with respect to Sexual Abuse Claims; (c) counsel for the committee of unsecured creditors; (d) insurance companies or their successors, including any authorized claim administrators of such insurance companies, that issued or allegedly issued policies to the Archdiocese and their reinsurers and attorneys; (e) any future claims representative appointed by the court in this case; (f) any mediator, special arbitrator or claims reviewer appointed by the court, including Judge Arthur Boylan, to review and resolve the

Sexual Abuse Claims; (g) any trustee appointed to administer payments to Sexual Abuse Claimants; (h) authorized representatives of a department of corrections with respect to a Sexual Abuse Claim by a Sexual Abuse Claimant who is incarcerated but only to the extent such disclosure is authorized under applicable non-bankruptcy law; (i) members of the committee of unsecured creditors and their personal counsel (after the Sexual Abuse Proof of Claim Form has been redacted to remove the Sexual Abuse Claimant's name, address and any other information identified in Part 2(A) or 3 of the Sexual Abuse Proof of Claim Form and the signature block); (j) law enforcement in the city or county where the Sexual Abuse Claim arose; (k) auditors of the United States Conference of Catholic Bishops charged with preparing annual audits of Archdiocesan compliance with the Charter for the Protection of Children and Young People; and (l) such other persons as the court determines should have the information in order to evaluate Sexual Abuse Claims only upon a motion by the Archdiocese or the committee of unsecured creditors.

8. Permitted parties and their attorneys shall be authorized to review proofs of claim upon execution of a confidentiality agreement agreed upon by the Archdiocese and the committee of unsecured creditors or pursuant to further order of the court. The court may approve additional permitted parties upon motion.

9. Access to the Sexual Abuse Proof of Claim Forms extends only to the individual who executes the confidentiality agreement. A separate confidential agreement must be signed by each individual who seeks access to the records on behalf of a permitted party.

TIMING AND FORM OF NOTICE

10. As soon as reasonably practicable after the entry of this order, the Clerk of Court shall give notice by United States mail, first-class postage prepaid, or by electronic means, the Non-Tort Claim Filing Deadline Notice (Ex. B) to (a) the United States Trustee for the District of Minnesota; (b) counsel to the committee of unsecured creditors; (c) all persons and entities that have filed a notice of appearance in this case; (d) all persons and entities included in the creditor mailing matrix on file in this case; and (e) all persons and entities that have previously filed proofs of claims in this Chapter 11 case. The Non-Tort Filing Deadline Notice, the Publication

Notice, and the Sexual Abuse Claim Filing Deadline Notice shall include a reference to this court's website (www.mnb.uscourts.gov) where all claim forms shall be made available.

11. As soon as reasonably practicable, but in any event no later than five business days after the entry of this order, the Archdiocese shall serve by United States mail, first-class postage prepaid, the Sexual Abuse Claim Filing Deadline Notice (Ex. C) and the Sexual Abuse Proof of Claim Form (Ex. A) on the United States Trustee, and on known Sexual Abuse Claimants who have:

(i) Filed pending lawsuits against the Archdiocese alleging that they were sexually abused by employees or agents of the Archdiocese or by clergy previously assigned to the Archdiocese or any others for whom the Archdiocese may be liable;

(ii) Provided to the Archdiocese under Minn. Stat. § 549.09 a written notice of claim of sexual abuse by employees or agents of the Archdiocese or by clergy previously assigned to the Archdiocese or any others for whom the Archdiocese may be liable;

(iii) Contacted the Archdiocese to claim that they were sexually abused as a minor by employees or agents of the Archdiocese or by clergy previously assigned to the Archdiocese or any others for whom the Archdiocese may be liable;

(iv) Are otherwise known to the Archdiocese to be a Sexual Abuse Claimant through reasonably-ascertainable records.

12. The service of the Sexual Abuse Claim Filing Deadline Notice and Sexual Abuse Proof of Claim Form on Sexual Abuse Claimants shall be accomplished through such Sexual Abuse Claimants' attorneys, if previously identified as counsel for such Sexual Abuse Claimant in connection with a Sexual Abuse Claim, and directly on all other known potential Sexual Abuse Claimants that have been identified and located by the Archdiocese through reasonably diligent efforts.

13. The service outlined above shall constitute service on all known creditors of the Archdiocese. All other creditors of the Archdiocese shall be deemed to be unknown for the purpose of service of notice of the Claim Filing Deadline.

14. The Archdiocese shall also provide notice of the Claim Filing Deadline established in this order by causing a copy of the Publication Notice (Ex. D) to be published as follows:

(i) Publication four times in each of the following publications, with the first publication to occur within two weeks of the service of the claim filing deadline packages, the second publication to occur approximately three weeks after the first notice, the third publication to occur approximately three weeks after the second notice, and the fourth publication to occur approximately three weeks after the third notice:

- *National Publication:* USA Today – National Edition
- *Catholic Publications (and their respective websites):*
 - National Catholic Reporter (National)
 - The National Catholic Register (National)
 - Catholic Spirit (Regional)
- *Local Publications (and their respective websites):*
 - Minneapolis Star Tribune
 - St. Paul Pioneer Press
 - The Minnesota Daily
 - Finance and Commerce
 - Duluth News Tribune
 - Post-Bulletin (Rochester)
 - St. Cloud Times
 - Brainerd Dispatch
 - Grand Forks Herald
 - Winona Daily News
 - Daily Journal (Fergus Falls)
 - Sentinel (Fairmont)
 - The Bemidji Pioneer
 - Crookston Daily News
 - The Free Press (Mankato)
 - Faribault Daily News
 - The Journal (New Ulm)

 - La Prensa de Minnesota (Spanish Language)

- Hmong Times

(ii) In addition to the Publication Notice, the Archdiocese will send copies of the Sexual Abuse Claim Filing Deadline Notice to the publications listed above and to the following:

- The Associated Press of Minnesota
- WCCO-AM
- Minnesota Public Radio
- KARE - TV
- KMSP - TV
- KSPR - TV
- WCCO - TV
- Each diocese in Minnesota

15. The Archdiocese shall provide further notice of the Claim Filing Deadline by taking the following measures:

(i) Within 3 business days of the entry of this order, the Archdiocese will post the component parts of the Sexual Abuse Claim Filing Deadline Package and the Non-Tort Claim Filing Deadline Package on the following public website: <http://www.archspm.org/>;

(ii) Within 3 business days of the entry of this order, the Archdiocese will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to the Survivors Network of the Abused by Priests and request that it post the same on its website at www.snapnetwork.org;

(iii) Within 3 business days of the entry of this order, the Archdiocese will provide a copy of the Publication Notice and component parts of the Sexual Abuse Claim Filing Deadline Package to Jeff Anderson and Associates P.A. and the Noaker Law Firm LLC and request that they post the same on their respective websites at www.andersonadvocates.com and <http://noakerlaw.com/>;

(iv) The Archdiocese will maintain a toll free number which may be used by Sexual Abuse Claimants to ask questions or obtain copies of the Sexual Abuse Claim Filing Deadline Package or parts thereof;

(v) Within two weeks of the service of the Sexual Abuse Claim Filing Deadline Package, the Archdiocese will provide a copy of the Publication Notice and the Sexual Abuse Claim Filing Deadline Notice to the following offices/entities and request that each recipient publicly post such notice until the expiration of the Claim Filing Deadline: (a) the Minnesota Attorney General; (b) the district attorney, the county court administrator, and sheriff's department for each of the 12 counties comprising the Region as defined in the Affidavit of the

Charles V. Lachowitzer; (c) the Minnesota Department of Health's three locations in the Region; (d) each hospital in the Region; and (e) each of the 187 parishes within the Region.

(vi) The Archdiocese will send a letter to each parish and Catholic high school in the Region requesting that such parish or Catholic high school display the Publication Notice and Sexual Abuse Claim Filing Deadline Notice in a prominent location within the church or school. The letter will also request that the notices be published once a month in the parishes' weekly bulletins until the Claim Filing Deadline. The letter will also request that each pastor, canonical administrator, or parochial vicar remind parishioners of the availability of information concerning the Claim Filing Deadline. The letter will also request that parishes disseminate the Publication Notice and Sexual Abuse Claim Filing Deadline Notice by email to their respective distribution lists. Finally, the letter will request each Catholic high school at which a clergy member against whom a substantiated claim of sexual abuse has been made had worked to draft a letter to alumni providing notice of the case and Claim Filing Deadline.

(vii) The Archdiocese will mail a copy of the Sexual Abuse Claim Filing Deadline Notice to all licensed alcohol and addiction treatment centers in the state of Minnesota, as identified by counsel for the committee of unsecured creditors, and to: (1) persons identified by counsel for the official committee of unsecured creditors as licensed therapists presently working with sexual abuse claimants; and (2) persons identified in claimant questionnaires completed as of April 15, 2015 that identify providers of counseling or other treatment services to sexual abuse claimants.

(viii) The Archdiocese will post copies of the Sexual Abuse Claim Filing Deadline Notice and Sexual Abuse Proof of Claim Form in Spanish and Hmong translations on its website at <http://information.archspm.org/> and will send copies of the same documents to the Bankruptcy Clerk of Court to be posted on the website of the Bankruptcy Court for the District of Minnesota at <http://www.mnb.uscourts.gov>.

16. Each request described in paragraph 15 (v) and (vi) above shall be on the Archdiocese's letterhead and signed by an officer of the Archdiocese. The request shall include a space at the bottom for the recipient to indicate whether it will comply with the request and a stamped self-addressed return envelope. The Archdiocese will report on compliance to the committee of unsecured creditors.

17. In addition, the Clerk of Court shall post the Non-Tort Proof of Claim Form, the Sexual Abuse Proof of Claim Form, the Non-Tort Filing Deadline Notice, the Sexual Abuse Claims Filing Deadline Notice and the Publication Notice on the website for the United States Bankruptcy Court for the District of Minnesota by adding a link on the court's home page (www.mnb.uscourts.gov) to easily access filing deadline information.

Dated: *April 17, 2015*

/e/ Robert J. Kressel

Robert J. Kressel
United States Bankruptcy Judge