

THE ANDERSON REPORT

FIDELIS CARE & MOTHER CABRINI FOUNDATION

**SPOTLIGHT ON NEW YORK CATHOLIC BISHOPS
USING BANKRUPTCY TO SHIELD ASSETS**



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*The information in this Anderson Report is
derived from publicly available sources.*

The Catholic Church is the largest Christian church in the world, claiming more than 1.3 billion baptized members globally as of 2018, including 51 million adults in the United States alone.¹ Though its total worth is unknown due to its decentralized and opaque finances, a 2012 report estimated the annual operating budget of the U.S. Catholic Church was \$170 billion. It employs more than one million employees nationally including clergy and ministers, hospital and school staff, seminarians, and more. It also owns property in almost every county in all 50 states.²

Since the early 1980s, more than 17,000 complaints of sexual abuse have been filed against the church nationwide.³ As of 2017, more than 6,700 priests, bishops, brothers, nuns, and other church officials have been formally accused of abuse, but estimates place the total number of potential offending priests closer to 10,000.⁴ Church leaders spent much of the late 20th century minimizing and denying accusations, shuffling offenders between parishes in an attempt to hide its systemic sexual abuse issues, but a deeply-researched investigation published by the Boston Globe in 2002 triggered a new deluge of lawsuits, revelations, and claims against the church.⁵ Since then, the church has spent over \$4 billion in settlements, fines, and expenses related to abuse lawsuits, while waging an aggressive parallel effort to prevent future suits from victims.⁶

Elected leaders, activists, victims' advocates, and lawyers across the country have fought for decades to hold church leaders accountable and expand opportunities for victims to be heard. Based on an analysis of legislation from USA Today, from 2009 to 2019, "state lawmakers from both sides of the aisle have tried at least 200 times to extend the civil statute of limitations for child sexual abuse cases" in 38 states, which would give victims more time to sue after being abused and could double the number of total cases brought against the Church.⁷ Most of these bills failed, however, as the Church "mobilized its opposition, working in tandem with the insurance industry, and later, the [Boy Scouts of America]," whose own sex abuse claims now exceed 82,000.⁸ One study estimated that the Catholic Church "spent at least \$10.6 million lobbying" against statute-of-limitations reforms from 2011 to 2018 in the Northeast alone.⁹

Public reporting suggests that the Church used a consistent playbook in dioceses across the country to defeat these bills, including criticizing legislators from the pulpit, encouraging parishioners to call and harass legislators, threatening to close churches in legislators' districts, and deploying coordinated messaging in multiple states.¹⁰

Nevertheless, from 2002 to 2018, nine states overcame Church opposition and passed "some form of a window statute," and in 2019, seven states and D.C. followed suit.¹¹ After the passage of window statutes in 2019, the Associated Press reported that the subsequent "deluge of suits could surpass anything the nation's clergy sexual abuse crisis has seen before, with potentially more than 5,000 new cases and payouts topping \$4 billion."¹²

¹ press.vatican.va, March 25, 2020; pewresearch.org, October 10, 2018

² economist.com, August 16, 2012; cara.george.edu, accessed January 10, 2021; archive.curbed.com, October 18, 2017

³ news.yahoo.com, December 13, 2020

⁴ bishop-accountability.com, accessed January 10, 2021; bishop-accountability.com, accessed January 10, 2021

⁵ bloomberg.com, January 8, 2020

⁶ news.yahoo.com, December 13, 2020; abcactionnews.com, December 2, 2019; wkbw.com, September 20, 2019

⁷ law360.com, December 9, 2018; bloomberg.com, January 8, 2020; news.yahoo.com, December 13, 2020

⁸ publicintegrity.org, October 2, 2019; nytimes.com, November 15, 2020

⁹ huffpost.com, June 7, 2019

¹⁰ bloomberg.com, January 8, 2020; huffpost.com, June 7, 2019; nypost.com, June 1, 2009

¹¹ law360.com, December 9, 2018; bloomberg.com, January 8, 2020;

¹² abcactionnews.com, December 2, 2019; brooklynink.org, April 5, 2010;

Evidence demonstrates that in response to these legislative developments, the Church systematically reallocated, reorganized, and sold off billions of dollars in assets – often with the approval or direction of the Vatican – in a coordinated effort to protect those assets from forfeiture and enable a flight into bankruptcy court for legal and financial relief from civil claims.

Church leaders from San Diego, California to Wilmington, Delaware have navigated the church through thousands of lawsuits, hundreds of millions of dollars in claims, and nearly 30 bankruptcies to date by following the same tactical playbook.¹³ The strategy, which is reportedly overseen and approved by the Vatican itself and executed state-by-state and parish-by-parish, enables dioceses across the country to minimize the risk of asset forfeiture and large-scale settlements through a combination of backroom lobbying and legislative pressure campaigns, corporate reorganizations, property ownership transfers, utilization of the federal tax code, and bankruptcy. Church leaders “precede bankruptcy by transferring and reclassifying assets,” frequently into tax-exempt entities, and then use “Chapter 11’s universal settlements and protections from further claims” in an unethical abuse of federal tax law privileges for foundations and nonprofits.¹⁴ Since 2004, the church has followed this methodological approach to protecting assets and navigating sexual abuse lawsuits 29 times across 17 states and territories like a “New York City shell game.”¹⁵ In the process, they protected more than \$2 billion in assets that likely could have been awarded to generations of clergy victims.¹⁶

The Dioceses of New York are the latest group of Catholic dioceses to follow this playbook of fighting legislative action and civil suits, asset protection, financial manipulation, and bankruptcy.

Together, the eight New York dioceses operate over 1,500 parishes, hundreds of schools, hospitals, nursing homes, charities, social service agencies, and countless parish-based ministries, and are also believed to be Manhattan’s largest landowner.¹⁷ Like church diocese in other states, the New York Dioceses deployed these tactics in response to the state’s own window legislation, the Child Victims Act, which was first introduced in New York in 2006 and finally passed in 2019 after more than a decade of Church opposition.

Since September 2019, a month after the window opened to file claims under the Child Victims Act, four of the seven dioceses that have filed for bankruptcy nationally have been from New York, including the Dioceses of Rochester, Buffalo, Syracuse, and Rockville Centre. However, by the time of the Dioceses’ filing, reporting shows that the Church leaders had already been following its playbook of asset protection and reallocation years earlier.¹⁸ The cumulative picture of the Church’s actions in New York and across the rest of the country demonstrate the scope of its far-reaching efforts over the last 18 years to protect revenue-generating assets it controls from lawsuit-related payouts.

Among all the known assets controlled by the New York Dioceses that the Church sought to protect, however, the Fidelis health care system was perhaps the largest. In 2018, one year before New York legislators passed the Child Victims Act, the eight bishops of New York completed the sale of the Fidelis

¹³ [bloomberg.com, January 8, 2020](https://www.bloomberg.com/news/articles/2020-01-08/catholic-church-fights-lawsuits-with-bankruptcy); [publicintegrity.org, October 2, 2019](https://www.publicintegrity.org/2019/10/02/44781/catholic-church-bankruptcy);

¹⁴ [bloomberg.com, January 8, 2020](https://www.bloomberg.com/news/articles/2020-01-08/catholic-church-fights-lawsuits-with-bankruptcy)

¹⁵ [wkbw.com, September 20, 2019](https://www.wkbw.com/story/news/2019/09/20/catholic-church-bankruptcy/20190920)

¹⁶ [bloomberg.com, January 8, 2020](https://www.bloomberg.com/news/articles/2020-01-08/catholic-church-fights-lawsuits-with-bankruptcy); [publicintegrity.org, October 2, 2019](https://www.publicintegrity.org/2019/10/02/44781/catholic-church-bankruptcy)

¹⁷ [nyscatholic.org](https://www.nyscatholic.org/), accessed January 3, 2020; [gothamist.com, March 14, 2019](https://www.gothamist.com/story/2019/03/14/catholic-church-bankruptcy)

¹⁸ [buffalonews.com, August 4, 2019](https://www.buffalonews.com/story/news/2019/08/04/catholic-church-bankruptcy/20190804); [wkbw.com, September 20, 2019](https://www.wkbw.com/story/news/2019/09/20/catholic-church-bankruptcy/20190920)

Care New York, a nonprofit insurance plan that was generating \$6 billion in annual revenues and ranked as the most popular insurer in the State.¹⁹ Fidelis Care was controlled by the eight bishops of New York, who had ultimate authority over all Company mergers, dissolutions, acquisition, and operating strategy.

The sale of Fidelis in 2018 generated \$3.6 billion in proceeds for the Church – nearly twice the total amount of estimated assets it protected from settlements nationwide in the preceding 15 years according to Bloomberg Business.²⁰ The Church placed the funds in a newly-formed trust controlled by the same eight bishops that oversaw Fidelis. Less than three years later, however, four of the eight bishops would ultimately file for Chapter 11 bankruptcy on behalf of the New York dioceses they oversaw.²¹ On the surface, it appeared that Church leaders were faced with financial insolvency; in reality, the transaction and subsequent bankruptcy filings represented the successful execution of the Church’s efforts to protect one of the Archdiocese of New York’s most valuable investments, reallocating billions of dollars in church assets to an entity protected from the thousands of lawsuits filed against the church in New York and wielding the power and influence that comes with billions of dollars in grantmaking capability.

This is the story of how the Catholic Church used its playbook to shield \$3.6 billion from abuse victims.

AN OVERVIEW OF THE CHURCH’S PLAYBOOK FOR FIGHTING SEXUAL ABUSE LAWSUITS

The Playbook

- Cycle abusive priests between parishes and dioceses
- Suppress and silence victim complaints through individual settlements and nondisclosures
- Fight victims in court to minimize settlements and disclosures
- Fight to prevent the passage of legislation expanding the window victims to file suits
- Transfer assets into independent foundations shielded from legal and financial exposure
- Flee to bankruptcy court and force victims into creditor settlements

Before 2002, the Catholic Church’s strategy for countering sexual abuse lawsuits and investigations consisted of moving known priest abusers around and quietly settling with victims. One estimate measured the total amount of settlements paid by Church leaders between the early 1980s and 2002 at about \$750 million. But in 2002, the Boston Globe published a landmark investigation of the Church, prompting California to pass legislation in the next year that temporarily reopened the civil statute of limitations so that abuse survivors had a one-year window to sue. The Church did not oppose the first-of-its-kind legislation, but its impact was devastating. There were 850 suits filed against the Church while the window was opened, and the Los Angeles Archdiocese ultimately settled the suits in 2007 for \$660 million. Since that time, the church has incurred hundreds of millions of dollars in annual costs related to lawsuits, spending over \$239 million in 2017 alone.²²

Since the 2002 passage of the first “window statute” bill in California, lawmakers across the country have introduced similar bills in an effort to extend the civil statute of limitations for abuse survivors. Bipartisan efforts to pass the legislation were attempted in 38 states at least 200 times, but as of 2019, only 29 states have enacted such laws, with 11 of those succeeding for the first time in 2019. In every

¹⁹ bizjournals.com, May 8, 2018; buffalonews.com, December 19, 2015

²⁰ bloomberg.com, January 8, 2020

²¹ prnewswire.com, July 2, 2018; nytimes.com, October 1, 2020; 13wham.com, August 14, 2019

²² businessinsurance.com, January 4, 2015; inquirer.com, March 2, 2011; publicintegrity.org, October 2, 2019

state, and in nearly every attempt, the opposition to the bill was mobilized and led by the group that stood to lose the most – the Catholic Church – alongside the insurance industry and the Boy Scouts. Public reporting confirms the Church utilizing coordinated messaging campaigns, parishioner phone calls to state legislators, private and public lobbying, and even admonishments of legislators from the pulpit during sermons to successfully defeat most of the window bills that were proposed.²³

Even as its costly efforts to limit the statute of limitations for sexual abuse cases persisted, the Church simultaneously launched a separate strategy to further limit its legal exposure. With sexual abuse lawsuits nationwide escalating after 2002 and window laws threatening to increase the rate even further, church leaders explored a new strategy for protection for the first time ever: insolvency and the protections of US bankruptcy proceedings.

In July 2004, the Archdiocese of Portland became the first Catholic diocese in the United States to file for bankruptcy. The strategy allowed the church to achieve a quieter mass settlement that forced an end to existing lawsuits, blocked new ones, and enabled it to effectively retain assets. Since the Archdiocese in Portland declared itself insolvent in 2004, 29 dioceses nationwide have followed the same strategy. The rate of bankruptcies has accelerated as window laws have gained traction, with the church citing the statutes as a primary factor in multiple bankruptcies, including in Wilmington (DE), San Diego (CA), and multiple cities in Minnesota.²⁴

The following list contains all bankruptcy filings to date of US dioceses in chronological order.²⁵

- Archdiocese of Portland OR (July 6, 2004)
- Diocese of Tucson AZ (September 20, 2004)
- Diocese of Spokane WA (December 6, 2004)
- Diocese of Davenport IA (October 10, 2006)
- Diocese of San Diego CA (February 27, 2007)
- Diocese of Fairbanks AK (March 1, 2008)
- Oregon Province of the Jesuits (February 17, 2009)
- Diocese of Wilmington DE & MD (October 18, 2009)
- Archdiocese of Milwaukee WI (January 4, 2011)
- Congregation of the Christian Brothers (April 28, 2011)
- Diocese of Gallup NM (November 12, 2013)
- Diocese of Stockton CA (January 15, 2014)
- Diocese of Helena MT (January 31, 2014)
- Archdiocese of St. Paul and Minneapolis MN (January 16, 2015)
- Diocese of Duluth MN (December 7, 2015)
- Diocese of New Ulm MN (March 3, 2017)
- Diocese of Great Falls-Billings MT (March 31, 2017)
- Crosier Fathers and Brothers MN & AZ (June 1, 2017)
- Diocese of Winona-Rochester MN (December 3, 2018)
- Archdiocese of Santa Fe NM (December 3, 2018)
- Archdiocese of Agana, Guam (January 16, 2019)
- Diocese of Rochester NY (September 12, 2019)

²³ publicintegrity.org, October 2, 2019

²⁴ [bloomberg.com](https://www.bloomberg.com), January 8, 2020; bishopaccountability.org, accessed January 4, 2020

²⁵ bishop-accountability.org, accessed January 7, 2021

- Diocese of Harrisburg PA (February 19, 2020)
- Diocese of Buffalo NY (February 29, 2020)
- Archdiocese of New Orleans LA (May 1, 2020)
- Diocese of St. Cloud MN (June 15, 2020)
- Diocese of Syracuse NY (June 19, 2020)
- Diocese of Rockville Centre NY (October 1, 2020)
- Diocese of Camden NJ (October 1, 2020)

As it has refined its bankruptcy strategy, the church has also methodically preceded its filings with the transfer and reclassification of assets, which serves to reduce the pool of money available to abuse victims. The process is executed with a remarkable and meticulous attention to detail; reporting confirms that dioceses gave direct guidance and instruction to parishes and other church-owned entities on how to establish independent trusts that protect the Church from liability while maintaining total control over revenues and operations. In some cases, the classification of its properties as nonprofits has also resulted in the Church undervaluing its holdings, further reducing its exposure by understating the value of its assets. One detailed review of court filings by Bloomberg estimated that between 2005 and 2020, the church effectively shielded over \$2 billion in assets from abuse victims in bankruptcies through these methods, forcing thousands of abuse victims to settle from significantly reduced estates.²⁶

Altogether, the Church sought to protect itself against sexual abuse cases by waging sophisticated campaigns throughout the United States to defeat legislation, reclassify and protect assets, leverage the US tax code, and ultimately to utilize bankruptcy as a shield against civil settlements. Reporting confirms that these efforts were guided, advised, and approved by the Vatican, which oversees all strategic decisions made by dioceses in financial reorganizations and settlements. Lawyers that have participated in as many as 15 bankruptcy negotiations with the Church recalled to reporters that participating bishops in some cases stated that they couldn't agree to specific settlement terms without permission from the Holy See. Documents revealed in litigation also confirmed that bishops sent explicit communications to the Vatican outlining their plans to reorganize and reclassify assets to protect them from settlements and litigation.²⁷

NEW YORK BISHOPS HISTORY OF SHIELDING CHURCH ASSETS

New York's bishops have experience with the Church's demonstrated strategy of response to sexual abuse lawsuits, moving assets into separate trusts, foundations, parishes, and other entities in a coordinated effort to shield those funds from payouts to victims. In 2006, after a bill was first introduced in the New York Legislature to suspend the statute of limitations for child sex abuse cases, the Buffalo Diocese "began moving \$91 million from its main investment account into the accounts of parishes, schools, cemeteries and other Catholic entities." Monsignor William Gallagher, a retired priest who served on the diocese's financial council, later told the Buffalo News that it "was an effort to shield money in the event the bill became law and exposed the diocese to the same kinds of clergy sex abuse lawsuits that other dioceses faced."²⁸

²⁶ [bloomberg.com, January 8, 2020](https://www.bloomberg.com/news/articles/2020-01-08/bankruptcy-filings-reveal-how-the-catholic-church-shielded-itself-from-sexual-abuse-lawsuits)

²⁷ [bloomberg.com, January 8, 2020](https://www.bloomberg.com/news/articles/2020-01-08/bankruptcy-filings-reveal-how-the-catholic-church-shielded-itself-from-sexual-abuse-lawsuits)

²⁸ [buffalonews.com, August 4, 2019](https://www.buffalonews.com/news/local/diocese-of-buffalo-reveals-how-it-shielded-itself-from-sexual-abuse-lawsuits-2019-08-04)

More recently, in September 2019, WKBW Buffalo obtained “a secret document” presented at a Catholic Charities meeting that raised “questions about whether the Diocese of Buffalo is hiding or diverting money in anticipation of abuse lawsuits and bankruptcy.” The document was reportedly “a plan for the organization’s 2020 Appeal, which would be conducted jointly with the Foundation of the Roman Catholic Diocese of Buffalo [FRCDB].”

Under current practice at the time, “Bishop Richard J. Malone said in secret audio recordings that about 40 percent of funds donated to Catholic Charities are traditionally sent to ‘The Bishop’s Fund for the Faith,’ which is part of the general diocesan budget.” However, under the new plan, the money “would instead go to the diocesan foundation, which -- although its trustees include Bishop Malone and others with connections to the diocese -- is technically a separate corporate entity and not as vulnerable to payments which might result from bankruptcy proceedings” of Child Victims Act lawsuits.²⁹

The secret document specifically stated, “To better protect assets and to stimulate propensity for gifts directed for ministry support, the FRCDB undergoes a name change to ‘The Catholic Foundation of WNY’ creating a stronger wall between the Diocese and the Foundation.” Additionally, the foundation stated that “references to ‘Bishop’s Fund for the Faith’ would be eliminated, and the foundation, which is headquartered at the diocese, would ‘establish its own corporate address and email domain.’” Secret audio recordings also showed “that in a recent meeting, Bishop Malone and his advisers talk about consulting with a lawyer to change the bylaws of Catholic Charities” and worries about Child Victims Act Lawsuits. In the recording, vicar general Rev. Peter Karalus stated, “A concern about any lawsuit piercing the corporate veil... Do the bylaws look as if this is really just another sub-organization of the diocese because of who makes up the members?”³⁰

Later, in January 2020, ahead of the diocese’s bankruptcy, Bishop Edward B. Scharfenberger, then-Apostolic Administrator of the Buffalo Diocese following the resignation of Bishop Malone, reportedly denied that “the Buffalo Diocese was delaying its bankruptcy filing until it could find ways to hide assets from creditors.” Reports stated that he also said he discussed a possible bankruptcy with other dioceses that went through bankruptcies, including the Archdiocese of St. Paul and Minneapolis, who advised him “that the process ultimately was the correct way to maintain their missions and address mounting legal claims by childhood victims of clergy sexual abuse.” He said, “What they have said is painful and tedious as it is, that in the long run what resulted was more confidence and that people feel they understand in a credible way what assets are and aren’t available, what the true mission of the diocese is.”³¹

Prior to their current roles as bishops in New York, these bishops also had experience elsewhere with the Catholic playbook. In 2007, in Milwaukee, then-Archbishop Timothy Dolan asked the Vatican “for permission to shift almost \$57 million into a trust fund earmarked for maintaining cemeteries,” appearing “to acknowledge that the purpose of the move was to shield the assets.” Dolan wrote, “By transferring these assets to the Trust, I foresee an approved protection from any legal claim and liability.” The Vatican approved the transfer, and four years later, the Milwaukee Archdiocese declared bankruptcy, during which victims’ lawyers “fought successfully to include the cemetery trust in the estate’s assets.”³²

²⁹ wkbw.com, September 20, 2019

³⁰ wkbw.com, September 20, 2019

³¹ buffalonews.com, January 6, 2020

³² bloomberg.com, January 8, 2020

Furthermore, when Salvatore Matano, the current Bishop of Rochester, was serving as the Bishop of the Diocese of Burlington in Vermont, he “began to see how much the scandal, first exposed by the Boston Globe, would cost the church.” In 2006, the diocese was “facing a six-figure debt and a seemingly endless series of civil lawsuits” and “saw individual settlement claims rise to nearly \$1 million.” In response, Matano “told his attorney to place each of the diocese’s local parishes — some 130 at the time — into separate trusts whose holdings could only be tapped for ‘pious, charitable or educational purposes,’ shielding the property from potential multimillion-dollar jury verdicts.” Following that, “the diocese’s lawyer quietly sent a stack of two-page ‘deed into trust’ form letters to municipal clerks throughout the state.”³³

Matano reportedly wrote in a private letter that, under the new structure, “the present diocesan protocols and regulations for the administration of parishes remain, in effect, unchanged,” and said at a 2006 reception that the trusts “were ‘an extra layer of protection’ from anyone seeking to tap church assets.” Matano also “defended the trust idea in a rare 2006 interview,” stating that “this is not in any way intended to penalize victims,” and explaining that the plan “was designed to reassure Vermont churchgoers who feared the potential loss of their parish holdings.” Overall, a 2019 analysis found that this arrangement protected “an estimated \$500 million in property” from abuse settlements.³⁴

FIDELIS CARE AND THE CHILD VICTIMS ACT

Fidelis Care New York was first founded in May 1993 as a Type-B not-for-profit by the Catholic Medical Center of Brooklyn and Queens and was originally sponsored by the Diocese of Brooklyn.³⁵ In 1997, the eight state dioceses agreed to jointly sponsor Fidelis and grow the nonprofit statewide. The Company’s 2018 filing with the New York Attorney General refers to it as a “membership organization” with its members “limited to the eight Diocesan Bishops of the state and Ecclesiastical Province of New York.” The company’s by-laws were written to give the eight Bishops total power to choose the Board of Directors and approve mergers, dissolutions, or consolidations.³⁶ In the years that followed its founding, the bishops grew Fidelis well beyond the 17,000 Medicaid members being served in New York City in 1997, capitalizing on the state’s decision to shift its Medicaid population into managed care programs. Between 1997 and 2015, Fidelis systematically expanded its service throughout the state through targeted acquisitions and joint ventures, enrollment in state programs such as the Child Health Plus Program and the Medicare Advantage Program, and increased government spending on healthcare from the Affordable Care Act. Their efforts were wildly successful, and Fidelis grew to be one of the most valuable investments of the church in the United States. By 2015, Fidelis ranked as the most popular insurer in the state’s marketplace, serving about 1.3 million members statewide and generating over \$6 billion in annual revenues and \$215 million in profits.³⁷

Even as they oversaw the growth of Fidelis, however, the Archdiocese of New York and its seven suffragan Dioceses were simultaneously waging an expensive and sustained campaign to defeat legislation called the Child Victims Act, New York’s version of the “window” legislation passed by other states. The Child Victims Act sought to expand the statute of limitations for sexual abuse claims and

³³ vtdigger.com, November 17, 2019

³⁴ vtdigger.com, November 17, 2019

³⁵ ag.ny.gov, accessed January 6, 2021

³⁶ ag.ny.gov, accessed January 6, 2021

³⁷ nytimes.com, August 22, 1997; buffalonews.com, April 13, 1998; buffalonews.com, December 19, 2015

the planned transaction after the vote was completed.⁴⁵ When Centene formally announced its acquisition plans, coverage noted that the proceeds of the sale would reportedly go to a charitable foundation administered by New York’s Catholic Bishops – the same eight that controlled Fidelis.⁴⁶

The sale of Fidelis Care required approval by regulators in New York, and Governor Andrew Cuomo “threatened to withhold” required approvals of the Fidelis sale “until a satisfactory agreement could be reached” whereby New York State would capture a portion of the sale proceeds.⁴⁷ In 2018, in response to the Fidelis sale, Governor Cuomo proposed to change the law so that the state would keep up to 90% of the proceeds of the Fidelis sale. The Governor’s office reportedly claimed that the proposal would close a legal loophole that excluded HMOs from requirements that apply when a nonprofit health company converts to a for-profit company.⁴⁸ The Church reacted furiously; during a February 2018 budget hearing, Bishop Edward Scharfenberger said, “We have been advised that such a taking is illegal and unconstitutional,” and described the proposal as “unprecedented confiscation.”⁴⁹ Governor Cuomo then reportedly proposed seizing 80 percent of the \$3.75 billion in proceeds “for a ‘health care shortfall fund’ set up to alleviate potential federal funding cuts.”⁵⁰ In the weeks that followed, after Governor Cuomo reportedly threatened to withhold approvals until a satisfactory agreement could be reached, the Cuomo administration negotiated a deal with the Church, legislative leaders, and Centene that enabled the state to capture significant proceeds from the sale. The final deal, formalized on March 30, provided the state with \$2 billion over four years from Fidelis and Centene, including \$1.35 billion immediately, leaving \$3.2 billion in sale proceeds and surplus cash for the church-controlled charitable foundation.⁵¹

Less than a month after Fidelis and Centene agreed to a “a framework for settlement” in the sale of Fidelis, the New York Department of Health and New York Department of Financial Services gave their required regulatory approval to allow the deal to move forward in April 2018. On May 4, 2018, Fidelis officially submitted its petition to the New York Attorney General for approval of the \$3.71 billion sale to Centene under the state’s nonprofit law. During the process, the Attorney General invited public comments to be submitted on the sale from May 7 to May 23, 2018, during which time nearly 6,000 comments were received, “almost all of which provided support for the transaction and the proposed use of proceeds.” A review of the comments confirms that the majority of supportive comments used similar language in urging approval.⁵²

About “40 people and organizations raised issues concerning or opposed the transaction.”⁵³ Notably, one of these comments was from Father Robert B. Repenning, the former pastor at Holy Trinity in Poughkeepsie who was removed from his post in July 2016 by Cardinal Dolan and sent to Saint John Vianney Center, which is known as “a place for pedophiles, alcoholics and drug abusers among the clergy,” for combat related post-traumatic stress disorder. Repenning wrote in his comment on the Fidelis sale, “The Archdiocese of New York is not transparent in its business dealings and does not keep its congregants informed about Real Estate sales, Rental of properties, the names of Benefactors who are not members of the Catholic Church who have influence on Cardinal Dolan’s decisions, nor is there

⁴⁵ ag.ny.gov, accessed January 5, 2021

⁴⁶ lawandcrime.com, April 13, 2018; timesunion.com, February 15, 2018

⁴⁷ lawandcrime.com, April 13, 2018

⁴⁸ timesunion.com, February 15, 2018

⁴⁹ lawandcrime.com, April 13, 2018

⁵⁰ timesunion.com, February 15, 2018

⁵¹ gothamgazette.com, April 4, 2018; bizjournals.com, May 8, 2018

⁵² ag.ny.gov, accessed January 5, 2021; ag.ny.gov, June 14, 2018; ag.ny.gov, accessed January 5, 2021

⁵³ ag.ny.gov, accessed January 5, 2021

ever disclosure of how much money the Archdiocese spends on legal matters, lobbying efforts and travel. The amounts of money involved in this transaction and beyond need strict oversight. Cardinal Dolan in opposing the Child Safety Act implied that the Archdiocese would be bankrupted if the statute of limitations were lifted. It is clear that the Archdiocese of New York is [not] stable enough to undertake such a vital role in New York.”⁵⁴

A little over a month after the Fidelis petition was submitted, in June 2018, the New York Attorney General approved the sale to Centene, under which the \$3.75 billion in proceeds and Fidelis’ remaining assets would be transferred to the Mother Cabrini Health Foundation. The approval was unexpectedly fast; previously, during a September 2017 meeting of the Fidelis Board, Andrew Roth, an attorney advising Fidelis on the sale with Norton Rose Fulbright US LLP, said “that the most significant regulatory approval will be that of the New York State Attorney General” according to company filings. When “asked how long it would take for the Attorney General to approve the Transaction,” Roth responded that “the timing cannot be predicted with certainty, but that in Fidelis’ situation, he expects it will take several months due to the magnitude of the Transaction and the parties involved.”⁵⁵ A previous similar merger between Colorado-based Catholic Health Initiatives and the non-Catholic San Francisco-based Dignity Health took over a year to complete, forming CommonSpirit Health, “a nearly \$30 billion healthcare giant” with 142 hospitals and over 400 other health care facilities. The parties initially “agreed to the merger in December 2017 after signing a letter of intent 13 months earlier,” and in December 2017, the archbishops in control of CHI “agreed to seek a review by a higher authority: the Vatican, which has the ultimate authority to reject or modify deals.” The Vatican ultimately signed off on the deal in October 2018, and the merger was completed in February 2019. According to Nonprofit Quarterly, “One matter that had held up the merger was gaining approval from the attorney general’s office of the state of California, which only took place on November 21, 2018.”⁵⁶

The Mother Cabrini Health Foundation was officially formed in May 2018. Two months later, in July 2018 following completion of the sale to Centene, Fidelis reportedly transferred \$4.3 billion in assets to the Foundation, allowing the Foundation to serve as Fidelis’ grantmaking foundation. \$1.4 billion of this amount was reportedly transferred to the Foundation explicitly to satisfy required payments to New York State and other charitable grants required under the settlement framework ahead of the sale’s approval.⁵⁷ Additionally, under terms of the agreement with the New York Attorney General, Centene formed the New York Quality Healthcare Corporation to operate Fidelis’ businesses, and Fidelis maintained operations as the New York State Catholic Health Plan until its individual and Medicare contracts were transitioned to Centene.⁵⁸ In September 2018, Cardinal Timothy Dolan published a piece in Catholic New York about how the proceeds of the Fidelis sale were not for the benefit of New York’s bishops. He wrote, “The \$3.3 billion proceeds from the sale were used to establish the Mother Cabrini Health Foundation. This money is not owned by the bishops, but is in a protected foundation for service to the poor, sick, and elderly.”⁵⁹

While the regulatory approval of the Fidelis deal unfolded in 2018, the Assembly again passed the Child Victims Act, only to be stopped by a razor-thin Republican majority in the state Senate that refused to allow the bill to go to the floor for a vote. But in November 2018, Democrats won control of the state

⁵⁴ ag.ny.gov, accessed January 5, 2021; poughkeepsiejournal.com, April 17, 2017

⁵⁵ ny.gov, accessed January 5, 2021; ag.ny.gov, accessed January 5, 2021

⁵⁶ nonprofitquarterly.org, February 4, 2019; wsj.com, May 14, 2018;

⁵⁷ bizjournals.com, May 8, 2018

⁵⁸ projects.propublica.org, accessed January 6, 2021; irs.gov, accessed January 5, 2021; ny.gov, accessed January 5, 2021

⁵⁹ cny.org, September 26, 2018

Senate, securing the bill's chances for passage for the first time since it was introduced in 2006. In January 2019, the church launched a final last-ditch effort to stop the passage of the bill, including a published op-ed from Cardinal Dolan that called the legislation "an attack on New York's Catholic family."⁶⁰ The effort failed, and the bill was overwhelmingly approved by both the Assembly and the Senate. Governor Cuomo signed the bill in February 2019, officially extending the state's statute of limitations for childhood sexual abuse and creating a one-year look-back window.⁶¹

In April 2019, the Mother Cabrini Health Foundation officially announced its full executive leadership team, revealing its CEO to be Monsignor Gregory Mustaciolo, a former vicar reportedly considered to be "the second most powerful person in the New York Archdiocese."⁶² The announcement confirmed that, despite Dolan's previous comments, Church leaders would retain tight control over the operations of the foundation and its finances; in fact, a specialty delegate to the delegation was hired with the role of serving as Dolan's delegate.⁶³ In addition, a review of the by-laws for Fidelis Care and the by-laws for the Mother Cabrini Health Foundation confirm that the two organizations have nearly identical leadership with the eight bishops of New York as members, holding the same powers and authorities at the Foundation that they held at Fidelis.⁶⁴

The Child Victims Act took effect in August 2019, immediately prompting the filing of hundreds of lawsuits against the Dioceses of New York in courts throughout the state. Less than a month later, the Diocese of Rochester became the first New York diocese to file for bankruptcy. By October 2020, three more dioceses in the state – Buffalo, Syracuse, and Rockville Centre - joined Rochester, making half of New York's eight Dioceses officially insolvent and rendering all its victims into creditors. Despite the supposed insolvency of individual dioceses, however, the Church – and its foundation – still thrives. In 2020 alone, the Mother Cabrini Foundation distributed \$200 million in funds, including \$150 million in its first round of grants and another \$50 million in response to the coronavirus pandemic. Records show that many of the funds were distributed directly to Catholic charities in the state, confirming that even as the Church's individual holdings rise and fall, it's proven strategy of legislative influence, legal maneuvering, and complex asset rearrangement ensure that the bulk of its assets remain legally protected and out of the hands of victims.⁶⁵

⁶⁰ [nydailynews.com, January 17, 2019](https://www.nydailynews.com/January-17-2019)

⁶¹ [nyasembly.gov, May 1, 2018](https://www.nyasembly.gov); [poststar.com, May 6, 2018](https://www.poststar.com); [nytimes.com, January 28, 2019](https://www.nytimes.com)

⁶² [prnewswire.com, March 4, 2020](https://www.prnewswire.com); [churchmilitant.com, September 17, 2018](https://www.churchmilitant.com)

⁶³ [nydailynews.com, September 1, 2020](https://www.nydailynews.com)

⁶⁴ [ag.ny.gov, May 7, 2018](https://www.ag.ny.gov)

⁶⁵ [13wham.com, August 14, 2019](https://www.13wham.com); [prnewswire.com, March 4, 2020](https://www.prnewswire.com); [assets.website-files.com, March 31, 2020](https://assets.website-files.com); [philanthropynewsdigest.org, April 2, 2020](https://www.philanthropynewsdigest.org); [nytimes.com, October 1, 2020](https://www.nytimes.com)

APPENDIX

TIMELINE OF KEY EVENTS IN NEW YORK

The following is a timeline showing major actions taken by the Archdiocese of New York and its suffragan dioceses related to the founding, growth, and sale of Fidelis Care to Centene Corp. This timeline also includes significant dates and milestones related to the Church's efforts to prevent the eventual passage of New York's Child Victims Act and the subsequent bankruptcies of some of its suffragan dioceses.

1993

- In 1993, **Fidelis Care New York** was founded “by the **Catholic Medical Center of Brooklyn and Queens**.” It was originally sponsored by the **Diocese of Brooklyn** and “managed the care of only 17,000 Medicaid recipients in Brooklyn and Queens.” According to a consolidated financial statement, the **New York State Catholic Health Plan, Inc.** (DBA Fidelis Care New York) “was incorporated in the State of New York on May 13, 1993 as a not-for-profit membership corporation... Fidelis commenced operations on October 1, 1993, with member eligibility becoming effective November 1, 1993.”⁶⁶

1995

- Modern Healthcare reports that “In the spring of 1995, **the eight bishops of New York** agreed to create a statewide plan based on the church's vision of serving the poor, the medically underserved and the community at large,” and that “under the bishops' sponsorship, Fidelis sought required state approvals and raised enough money from the diocese, hospitals, Catholic charities and other constituents to capitalize the statewide expansion over a two- to three-year period.”⁶⁷
- According to the Buffalo News, the founders of Fidelis “began to think big” following the election of Gov. George Pataki in 1995, as he “ended the state's tight control of health care and encouraged competition in a marketplace previously dominated by not-for-profit hospitals and health insurance companies.”⁶⁸

1996

- After receiving its approved Certificate of Authority, “**Fidelis** executed a contract, effective October 1, 1996, with the **City of New York Office of Medicaid Management Care**. This contract authorized Fidelis to enroll Medicaid beneficiaries in the five boroughs of the City of New York.”⁶⁹

⁶⁶ projects.propublica.org, accessed January 6, 2021; [nytimes.com](https://www.nytimes.com), August 22, 1997; [buffalonews.com](https://www.buffalonews.com), April 13, 1998; [nydailynews.com](https://www.nydailynews.com), June 24, 2017; [lawandcrime.com](https://www.lawandcrime.com), April 13, 2018

⁶⁷ [modernhealthcare.com](https://www.modernhealthcare.com), September 1, 1997

⁶⁸ [buffalonews.com](https://www.buffalonews.com), April 13, 1998

⁶⁹ projects.propublica.org, accessed January 6, 2021

1997

- The Buffalo News reported that “the **eight state dioceses** decided to jointly sponsor Fidelis and to expand its reach” in 1997. Previously, in 1996, the **Catholic Medical Center of Brooklyn and Queens** had asked “for state approval to link its Medicaid managed care arm, called **Fidelis**, with the health maintenance organizations of seven other dioceses.”⁷⁰
- In August 1997, Fidelis Care announced “the acquisition of the assets of **Better Health Plan Inc.** from **Coastal Physician Group Inc.**” after formal approval was received from the New York State Department of Health. Fidelis paid \$7.75 million for Better Health Plan and nearly tripled its enrollment as a result, gaining about 40,000 patients around the state to join the 22,000 patients that were being served by Fidelis in New York City. At the time, then-Fidelis President and CEO Mike Lane “said the money to buy Better Health came from the dioceses, Catholic charities and hospitals throughout New York.”⁷¹

2005

- In September 2005, “**Fidelis** acquired 100% interest in **CenterCare, Inc.**” According to the Queens Gazette, in June 2005, Fidelis announced that it “signed a definitive agreement with Ryan Community Health Network (RCHN) and CenterCare, resulting in a **change of sponsorship** for the New York City-based Medicaid managed-care company.” CenterCare served “approximately 84,000 members in the New York state Medicaid, Child Health Plus and Family Health Plus programs.” CenterCare was later merged into Fidelis in 2008.⁷²

2006

- New York State **Assemblywoman Margaret Markey** “first introduced her bill, titled the **Child Victims Act** of New York, to the Assembly in 2006.” The legislation “was passed by the state Assembly but blocked in the state Senate in 2006.”⁷³

2008

- In December 2008, “**Fidelis** acquired all assets and liabilities and assumed operations of a former joint venture and established **Fidelis Care at Home (FCAH)**, a Medicaid long-term care capitated program with the NYSDOH [New York State Department of Health].” The provide provides “home, community, and institutionally based, long-term care services to persons who are eligible for Medicaid and who have been certified as appropriate candidates for nursing home placement.”⁷⁴

⁷⁰ buffalonews.com, December 19, 2015; Crain’s New York Business, April 15, 1996

⁷¹ nytimes.com, August 22, 1997; modernhealthcare.com, September 1, 1997; buffalonews.com, December 19, 2015; Business Wire, August 21, 1997

⁷² projects.propublica.org, accessed January 6, 2021; ggazette.com, June 15, 2005

⁷³ catholiccourier.com, March 26, 2009

⁷⁴ projects.propublica.org, accessed January 6, 2021; ggazette.com, June 15, 2005

2009

- In January 2009, **Salus Administrative Services, Inc.**, a wholly owned **subsidiary of Fidelis**, and **Salus IPA, LLC**, a wholly owned subsidiary of Salus, began providing “pharmacy benefit management services to Fidelis members and Fidelis employees/dependents.” Salus Administrative Services was first created by Fidelis in July 2004, and Salus IPA was created by Salus in January 2008.⁷⁵
- In 2009, the **Child Victims Act** of New York failed in the Assembly for the first time. The New York Times reported, “This was the year the perennial legislation appeared to have a chance. It had already passed in the Assembly by wide margins in 2006, 2007 and 2008. And though the State Senate had blocked the bill in the past, a new Democratic majority there appeared likely to make New York one of three states with a law allowing people to sue their alleged molesters during a specific grace period no matter how long ago the abuse took place.” However, “Assembly leaders were unconvinced that [Assemblywoman Margaret Markey] had the votes to win, and had yanked her bill from the calendar, ending its prospects in the near term and raising questions about its future viability.”⁷⁶
- **Bishop Nicholas DiMarzio** of Brooklyn told the New York Post in 2009, the **Child Victims Act** “is going to bankrupt the Church.” DiMarzio was “accused of using his bully pulpit to blackmail legislators over a molestation bill he opposes.” He told “state lawmakers that he would close churches in their districts — and blame them for the shutdowns — if they backed a bill making it easier for sexual-assault victims to sue local parishes.”⁷⁷

2010

- In 2010, “in its fifth year on the [New York] legislative calendar, the bill, known as the **Child Victims Act**, was defeated in a Senate committee in the first vote on the measure this session.” Assemblywoman Margaret Markey noted that “in one sense the vote on Wednesday represented progress. ‘Our bill has never even come to a vote before in the Senate,’ she said. ‘So we feel this was an important step.’”⁷⁸

2012

- In March 2012, according to the New York Daily News, **Cardinal Dolan** “ripped into a longstanding proposal that would extend the statute of limitations against priests accused of past sexual abuse” during an “annual Albany lobbying trip.” Dolan and the state's bishops reportedly “met with Gov. Cuomo and legislative leaders while at the Capitol” and “Dolan described his powwow with Cuomo as ‘particularly friendly and substantive.’”⁷⁹

⁷⁵ buffalonews.com, December 19, 2015; nytimes.com, August 22, 1997

⁷⁶ nytimes.com, August 9, 2009

⁷⁷ nypost.com, June 1, 2009

⁷⁸ nytimes.com, June 2, 2010

⁷⁹ nydailynews.com, March 13, 2012

- In May 2012, the New York Times reported that “Cardinal Timothy Dolan has made defeating statute of limitations reform one of his top legislative priorities.”⁸⁰

2015

- The Buffalo News Reported in 2015 that Fidelis, “operated by the eight Catholic dioceses of New York, has been a hit on the NY State of Health exchange,” and that “Fidelis Care ranked as the most-popular insurer across the state on the marketplace for the enrollment period that ended in February.” The Buffalo News noted that “membership in Fidelis Care’s lines of business rose steadily, from 256,142 in 2005 to 673,752 five years later to 1.3 million” in 2015.⁸¹
- According to the Rochester Democrat and Chronicle, from 2014 to 2015, “Fidelis Care earned \$6.7 billion in revenue from insurance premiums. For the 2015 year, the nonprofit had a net income of \$215 million.”⁸²
- According to Fidelis’ petition to the New York Attorney General regarding its sale to Centene, in 2015, **Fidelis** began a “**strategic assessment**” of its future. In particular, Fidelis “spent approximately one year carefully assessing its operations, resources and the overall future viability of its business lines and considered various strategic options, including potential operational diversification strategies, geographical expansion outside of New York, joint ventures or monetization.”⁸³
- According to the Buffalo News, the Catholic Conference “spent \$2.1 million on lobbyists from 2007 through 2015, or an average of about \$230,000 a year,” to “head off” the Child Victims Act. In a 2015 letter to U.S. Attorney Preet Bahara, John Aretakis said that lobbyist Patricia Lynch of **Lynch and Associates**, previously a top aid to former Assembly Speaker Sheldon Silver, “effectively flipped the Assembly speaker on the issue.” Aretakis wrote, “From 2005 to 2010, Mr. Silver supported a statute of limitations ‘windows’ legislation that would let childhood sexual abuse victims sue even if the abuse was 20 or 30 years ago. Then about five years ago, the Catholic Conference was successful in getting Patricia Lynch to lobby for them. At that time, I was told by a colleague who works for Ms. Lynch that the ‘windows’ legislation was dead.”⁸⁴

2016

- In February 2016, “**Fidelis** created a wholly owned subsidiary, **Rego Park Office Tower, LLC** (RPOT),” which was organized as a New York State not-for-profit organization. Rego Park is the owner of the Fidelis headquarters at 95-25 Queens Boulevard in Rego Park, Queens, New York. Sale of the 11-story office building for nearly \$140 million was completed in March 2017.⁸⁵
- In its petition to the New York Attorney General, Fidelis stated that following its “strategic assessment,” in 2016, **Fidelis’ Board of Directors** “determined that a sale of Petitioner’s

⁸⁰ nytimes.com, May 7, 2012

⁸¹ buffalonews.com, December 19, 2015

⁸² democratandchronicle.com, October 5, 2016

⁸³ ny.gov, accessed January 6, 2021

⁸⁴ buffalonews.com, May 7, 2018

⁸⁵ projects.propublica.org, accessed January 6, 2021; regoparkofficetower.com, accessed January 6, 2021; therealdeal.com, April 12, 2017

insurance operations would be in the best interest of Petitioner [Fidelis] and its Members [the eight Diocesan Bishops of the State and Ecclesiastical Province of New York].” Then, with help from its financial advisor **Citigroup Global Markets**, “the Board authorized Petitioner’s [Fidelis] executive management team to explore a **potential sale** of Petitioner’s operations.”⁸⁶

- In the second half of 2016, “initiated an **auction process** in which **nine prospective purchasers**, five for-profit organizations and four not-for-profit organizations, were identified and invited to submit offers for the acquisition of substantially all of Petitioner’s assets.” Only two bids were received during the **first phase of the auction**, and Centene did not initially submit a bid. The two bids that were received were presented to **Fidelis’ Board of Directors** in December 2016.⁸⁷
- The New York Daily News reported in June 2016 that “the state Legislature ended the 2016 legislative session [...] without acting on legislation to help child sex abuse survivors” and that “in the Assembly, a push to pass a recently amended **Child Victims Act** never made it to the floor for a vote” after moving through committee. The report added that advocates believed they had “momentum heading into the 2017 legislative session” and hoped to “see the measure addressed within the first 30 days of the new session.”⁸⁸
- According to the Buffalo News, “the Catholic Conference discontinued its relationship with Lynch and Associates in 2016, after Silver was convicted and prosecutors preparing for his sentencing revealed Silver and Lynch had had an affair.”⁸⁹
- In October 2016, the **Archdiocese of New York** “established an independent program” to “allow victims of sexual abuse by members of the clergy to apply for compensation from the church, even for abuse claims that are decades old.” The program would be given “the authority to determine who is eligible for compensation and how much is awarded” according to church officials. In addition, “the archdiocese said it would borrow the compensation money, which could easily run into the millions.” The New York Times noted that “the compensation program, in some ways, is the church’s response” to the **Child Victims Act**, and that it would “limit the potential for future litigation.”⁹⁰

2017

- After presenting **the first two bids** that were received for Fidelis’ assets to the Board of Directors in December 2016, the bids were presented to **Fidelis’ Members**, i.e., the **eight bishops of New York**, in February 2017. Both the “Board and Members agreed to continue the **second phase of negotiations** with both bidders.” However, “neither negotiation led to an agreement.” Minutes from a September 2017 Board meeting included in Fidelis’ petition to the New York Attorney General indicated that Fidelis received an offer from **United HealthGroup**.⁹¹
- According to Fidelis’ petition to the New York Attorney General, after “expiration of the contractually agreed-upon exclusivity periods” for the first two bids, **Centene** contacted Fidelis

⁸⁶ [ny.gov, accessed January 6, 2021](#)

⁸⁷ [ny.gov, accessed January 6, 2021](#)

⁸⁸ [nydailynews.com, June 18, 2016](#)

⁸⁹ [buffalonews.com, May 7, 2018](#)

⁹⁰ [nytimes.com, October 7, 2016](#)

⁹¹ [ny.gov, accessed January 6, 2021](#)

“with an **offer** for the purchase of substantially all of Petitioner’s [Fidelis’] assets, which was superior to the earlier bids Petitioner received.” Fidelis and Centene began **negotiations** in July 2017.⁹²

- In the 2017 Legislative Session, according to the New York Daily News, the state Assembly “passed the Child Victims Act for the first time since 2008. Gov. Cuomo introduced an identical version of the bill, but it died in the Senate without coming to the floor for a vote. Sen. Jeffrey Klein, the Bronx Democrat who leads a group of eight breakaway Senate Dems aligned with the GOP, introduced a compromise bill that also did not make it to the floor.”⁹³
- The New York Daily News reported in June 2017 that “when it came to again killing the Child Victims Act this year, few stepped forward to take credit,” noting that “The state **Catholic Conference** headed by Timothy Cardinal Dolan and **New Yorkers for Constitutional Freedoms**, a statewide evangelical Christian advocacy organization, were the only groups to outline in writing their opposition to the legislation.” In its memo of opposition to the bill, the Catholic Conference reportedly “called sexual abuse ‘a societal scourge’ but said the organization could not support the bill mainly because it creates a one-year window to revive old cases that are time-barred under current law.”⁹⁴
- On September 7, 2017, a special meeting was held for the **Fidelis Board of Directors** about **Centene’s bid** to acquire substantially all of Fidelis’ assets for \$3.75 billion, and the 15 voting board members present unanimously voted in favor of the offer. Fidelis and Centene then “engaged in additional negotiations with respect to the **Purchase agreement**,” so a second special meeting was called on September 12, 2017, during which the 15 voting board members present again voted unanimously on the modified offer. Subsequently on September 12, 2017, a special meeting was held of the **eight Members of Fidelis** (bishops of New York), who also “voted unanimously to approve the Transaction.”⁹⁵
- After the Fidelis Board of Directors and Members voted in favor of the offer, **Centene Corp.** publicly announced the agreement “to purchase Fidelis for \$3.75 billion-with the funds reportedly going to a charitable foundation administered by **New York’s Catholic bishops**.” According to minutes from the September 12th Board meeting, Cardinal Timothy Dolan also was charged with calling “the **Governor and Attorney General** to Notify them of the Transaction.”⁹⁶
- On September 18, 2017, **Fidelis** and **Centene** filed a pre-merger notification under **the Hart-Scott-Rodino Anti-Trust Review** (HSR) with the **U.S. Department of Justice** and **U.S. Federal Trade Commission**. Early termination of the waiting period under the HSR Act was granted on September 29, 2017, meaning that the FTC “did not challenge the merger.”⁹⁷
- In December 2017, The New York Times reported that “activists hope that this year they will succeed and are advancing a new, more aggressive strategy to pass” the Child Victims Act, and planned to “to aggressively target specific state senators, especially in competitive suburban

⁹² ny.gov, accessed January 6, 2021

⁹³ nydailynews.com, June 24, 2017; nytimes.com, May 11, 2017

⁹⁴ nydailynews.com, June 24, 2017

⁹⁵ ny.gov, accessed January 5, 2021

⁹⁶ lawandcrime.com, April 13, 2018; ny.gov, accessed January 6, 2021

⁹⁷ ny.gov, accessed January 6, 2021; ny.gov, accessed January 6, 2021; stltoday.com, April 23, 2018

districts, with efforts like digital advertising to get their support.” The New York State Catholic Conference reportedly said in response that “while the state’s bishops support forward-looking legislation to raise the statute of limitations, they opposed the window that might open the church up to decades worth of claims” and that “dioceses in Minnesota and Delaware had filed for bankruptcy after a flood of sexual abuse claims.”⁹⁸

2018

- In early 2018, **Gov. Andrew Cuomo** proposed “to change state law regulating the sale of nonprofit health plans to for-profit insurers to help make up for the possible loss of federal funding.” According to the Times-Union, “under Cuomo's executive budget, the state would claim a big portion of the proceeds for a **‘health care shortfall fund’** set up to alleviate potential federal funding cuts.” Cuomo’s administration contended that it would be “**closing a legal loophole**” where New York State insurance law allowed the state to keep “**90 percent of the proceeds** when a nonprofit health company converts to a for-profit company,” since that law did not apply to health maintenance organizations (HMOs) like Fidelis.⁹⁹
- Gov. Cuomo’s proposal to change the insurance law drew “the ire of the head of the **Roman Catholic Diocese of Albany**.” During a joint budget hearing in February 2018, “**Bishop Edward Scharfenberger** said the governor's proposal is ‘illegal’ and would affect the Catholic Church's ability to care for those in need.”¹⁰⁰
- On March 30, 2018, **Fidelis** and the **State of New York** “agreed on a **framework for settlement** that would result in an approximately \$3.2 billion foundation while at the same time providing a monetary contribution to the State.” Under the settlement, Fidelis agreed that it would make a \$1 billion payment “to the State within 30 days of closing and that that an additional payment of \$400 million would be made to the State within 18 months of the Initial Fidelis Payment.” Fidelis also agreed “to provide an additional \$100 million, which could be paid in the form of two equal \$50 million charitable grants,” one in 2021 and the second in 2022.¹⁰¹
- On March 30, 2018, **Centene** entered into a **Memorandum of Understanding** with the **State of New York** as part of its approval of the Fidelis Transaction. Under the MOU, Centene agreed “to contribute to the State \$340 million payable in five equal installments over five years,” and the MOU also recognized that the State would “also receive from Centene at least \$160 million in additional taxes and fees as a result of Centene’s operation as a for-profit health insurer in New York State.”¹⁰²
- On April 18, 2018, the **New York State Department of Financial Services** approved “**Hallmark’s application** to become a **licensed insurer** in New York,” which was required “to provide reinsurance” under the agreements between Fidelis and Centene. Hallmark Life Insurance Company is “an Arizona domiciled insurance subsidiary of Centene.”¹⁰³

⁹⁸ [nytimes.com, December 6, 2017](https://www.nytimes.com/2017/12/06/us/politics/catholic-conference-ny.html)

⁹⁹ [timesunion.com, February 15, 2018](https://www.timesunion.com/story/news/politics/2018/02/15/cuomo-budget-health-care-shortfall-fund/1020000001/)

¹⁰⁰ [timesunion.com, February 15, 2018](https://www.timesunion.com/story/news/politics/2018/02/15/cuomo-budget-health-care-shortfall-fund/1020000001/)

¹⁰¹ [ny.gov, accessed January 6, 2021](https://www.ny.gov/newsroom/centene-fidelis-settlement)

¹⁰² [ny.gov, accessed January 6, 2021](https://www.ny.gov/newsroom/centene-fidelis-settlement)

¹⁰³ [ny.gov, accessed January 6, 2021](https://www.ny.gov/newsroom/centene-fidelis-settlement)

- On April 20, 2018, the **New York State Department of Health** approved “a ‘**change of control**’ **application**” filed by **Fidelis** and **Centene** on October 23, 2017. The application “requested approval of the sale of Petitioner’s [Fidelis] assets and liabilities” to Centene and “the transfer of the Transaction proceeds and all assets of Petitioner to the Foundation following the Closing.” Additionally, “the Department of Health approved New Fidelis Care’s application to operate Medicaid Child Health Plus, Health and Recovery Plan (HARP), and Managed Long-Term Care (MLTC) (excluding Medicare lines of business) programs in all 62 counties and issued New Fidelis Care a **Certificate of Authority**.”¹⁰⁴
- On April 4, 2018, the **Fidelis Members** (bishops of New York) met to “approve a variety of items, including the payment to New York State” and the **reorganization** of Fidelis after the Closing. Under this reorganization, the **New York State Catholic Health Plan, Inc.** “will maintain the individual and Medicare contracts until they are transitioned to Centene,” and the **Mother Cabrini Health Foundation**, “a separate New York charitable corporation with identical Members,” will become the grantmaking foundation. The Fidelis Members unanimously approved these matters, and the **Fidelis Board** later approved them on May 3, 2018.¹⁰⁵
- The New York Assembly “passed legislation [known as the **Child Victims Act**] to bring justice to victims of childhood sexual abuse.” According to a May 2018 editorial in The Post Star, “What stands in the way of the Child Victims Act becoming law is the state Senate, where Republicans hold a razor-thin majority and Majority Leader John Flanagan has refused to let the measure come to the floor for a vote.”¹⁰⁶
- On May 7, 2018, **Fidelis** filed a petition with the Office of “the Office of the **New York State Attorney General**...pursuant to Sections 510 and 511-a of the **Not-for-Profit Corporation Law** for approval of an application to sell substantially all of its assets.”
- From May 7 to May 23, 2020, the **New York Attorney General** invited interested parties to submit **public comments** in regards to the sale of Fidelis. The AG later announced that the office received “almost 6,000 comments in response to the Notice, almost all of which provided support for the transaction and the proposed use of proceeds,” and “Approximately 40 people and organizations raised issues concerning or opposed the transaction.”¹⁰⁷
- The **New York Attorney General** approved the sale of **Fidelis** on June 14, 2018. According to minutes from the September 7, 2017 Fidelis Board meeting, Andrew Roth, an attorney advising Fidelis on the sale with Norton Rose Fulbright US LLP, said “that the most significant regulatory approval will be that of the New York State Attorney General.” Roth also said that he expected approval by the AG “will take several months due to the magnitude of the Transaction and the parties involved.”¹⁰⁸
- On July 2, 2018, **Centene** announced “that, following the receipt of all required regulatory approvals, Centene has **completed its acquisition** of substantially all of the assets of **Fidelis Care**

¹⁰⁴ [ny.gov, accessed January 6, 2021](#)

¹⁰⁵ [ny.gov, accessed January 6, 2021](#); [ny.gov, accessed January 6, 2021](#)

¹⁰⁶ [nyassembly.gov, May 1, 2018](#); [poststar.com, May 6, 2018](#)

¹⁰⁷ [prnewswire.com, June 14, 2018](#); [ag.ny.gov, June 14, 2018](#); [ag.ny.gov, accessed January 6, 2021](#)

¹⁰⁸ [ny.gov, accessed January 6, 2021](#); [ny.gov, accessed January 6, 2021](#)

in a transaction valued at \$3.75 billion, making Fidelis Care Centene's health plan in New York State.”¹⁰⁹

- As part of the sale, **Centene** acquired “the name ‘**Fidelis Care**’” and “formed **New York Quality Healthcare Corporation**, a wholly-owned subsidiary, to operate the businesses acquired” from Fidelis. Centene was to “operate the health care enterprise under that name,” while maintaining the “current executive management team” or Fidelis and the headquarters in Rego Park, Queens, New York.¹¹⁰
- According to its Form 990, on July 2, 2018, **Fidelis Care**, known as the “**Fidelis Legacy Plan**” following the sale to Centene, transferred a total of about \$7.48 billion in assets. **Centene Corporation** received a total of about \$3.16 billion in assets, including about \$2 billion in cash & cash equivalents, \$492.3 million in assets whose use is limited, and \$345.4 million in net premium receivables. The **Mother Cabrini Health Foundation** received a total of nearly \$4.32 million, including \$3.55 million in cash & cash equivalents, and \$766.9 million in investments. As of the end of 2018, Fidelis Legacy Plan reported net assets of nearly \$157.17 million, down from its net assets of \$2.12 billion for the end of 2017.¹¹¹
- On its 2018 Form 990, the **Mother Cabrini Health Foundation** reported that the “amounts transferred to the Cabrini Foundation [from the Fidelis sale] included the payments necessary for Fidelis to satisfy \$1.4 billion in payments to the state, and are being held by the Cabrini Foundation.” The Form 990 reflected that \$1 billion was paid in 2018, \$400 million remains to be paid, and the Foundation also is charged with making \$50 million in grants in each of 2021 and 2022 under the agreement. The Foundation reported total assets of \$3.32 billion at the end of 2018 and net assets of \$2.83 billion. Additionally, no grants were made in 2018.¹¹²
- **Rego Park Office Tower, LLC** was among the “**Excluded Assets**” in the **Purchase Agreement** between Centene and Fidelis. In its 2018 Form 990, **Fidelis Legacy Plan** reported that it was the “direct controlling entity” of Rego Park Office Tower, which had end-of-year assets of about \$148.7 million.¹¹³
- In September 2018, the **New York Attorney General** began an “extensive investigation into the sexual abuse of children within the New York dioceses of the Catholic Church...following reports of priests accused of sexual abuse who had been based in New York.” As part of the investigation, subpoenas were issued to the **Archdiocese of New York** and the states other seven individual dioceses.¹¹⁴
- In November 2018, “Democrats won control of the Senate” in New York State, reviving the Child Victims Act, according to the New York Times.¹¹⁵

¹⁰⁹ prnewswire.com, July 2, 2018

¹¹⁰ ny.gov, accessed January 6, 2021

¹¹¹ projects.propublica.org, accessed January 6, 2021; projects.propublica.org, accessed January 6, 2021

¹¹² irs.gov, accessed January 6, 2021

¹¹³ ny.gov, accessed January 5, 2021; projects.propublica.org, accessed January 5, 2021

¹¹⁴ ag.ny.gov, November 23, 2020

¹¹⁵ nytimes.com, January 28, 2019

- The **Mother Cabrini Health Foundation** received a letter on November 7, 2018 from the **Internal Revenue Service** that said that the Foundation was “exempt from federal income tax under Internal Revenue Code (IRC) **Section 501(c)(3)**.”¹¹⁶

2019

- In January 2019, Cardinal Dolan published an op-ed in the New York Daily News on the “proposed Child Victims Act,” calling it “an attack on New York’s Catholic family” and criticizing Governor Cuomo for “singling us out as opponents of legislation that others object to for many reasons.”¹¹⁷
- In late January 2019, less than two weeks after Dolan’s op-ed, according to the New York Times, “both the Senate and the Assembly overwhelmingly approved the Child Victims Act, ending a bitter, protracted battle with some of the most powerful groups in the state.” The New York Times noted that “every senator, Republican and Democrat, voted for the bill — even though it never even came to the Senate floor for a vote under the Republican majority.” The final version of the bill “greatly extends New York’s statutes of limitations for childhood sex abuse, which had required that criminal or civil charges be brought before the survivor’s 23rd birthday,” and under the new law, “prosecutors could bring criminal charges until a victim turned 28, and victims could sue until age 55.” In addition, “The bill would also create a one-year ‘look-back window,’ during which old claims that had already passed the statute of limitations could be revived.”¹¹⁸
- The New York “**Catholic Conference**, knowing the [**Child Victims Act**] was likely to pass this year, dropped its opposition last month [January 2019] after it got the Legislature to back language that makes sure public institutions can also be sued during the one-year look-back period.”¹¹⁹
- In February 2019, **Governor Cuomo** “fulfilled his promise to sign the **Child Victims Act**, a key component of his 2019 Justice Agenda.”¹²⁰
- In early 2019, New York Assemblyman Santabarbara said that **Bishop Edward Scharfenberger** “agreed to investigate the possibility of seeking a \$20 million **bailout** from the **Mother Cabrini Health Foundation**” to “close a pension shortfall” among **St. Clare’s Hospital** employees. According to the Daily Gazette, in the fall of 2018, about 1,100 hospital employees “were advised they’d see their monthly pension payments reduced or eliminated in just a few months rather than several years in the future.” Because the hospital was affiliated with the church, it “used an exemption to opt out of the federal pension guaranty program that would have provided its retirees a safety net.”¹²¹
- In April 2019, the Mother Cabrini Health Foundation distributed a press release announcing its full executive leadership team, including Chief Executive Officer Monsignor Gregory Mustaciolo who Church Militant reported to be “considered the second most powerful person in the New

¹¹⁶ [irs.gov](https://www.irs.gov), accessed January 5, 2021

¹¹⁷ [nydailynews.com](https://www.nydailynews.com), January 17, 2019

¹¹⁸ [nytimes.com](https://www.nytimes.com), January 28, 2019

¹¹⁹ [democratandchronicle.com](https://www.democratandchronicle.com), February 14, 2019

¹²⁰ [governor.ny.gov](https://www.governor.ny.gov), February 14, 2019

¹²¹ [dailygazette.com](https://www.dailygazette.com), February 8, 2019; [dailygazette.com](https://www.dailygazette.com), March 26, 2019

York archdiocese.”¹²² In the press release, Cardinal Dolan said “Since the early 90’s, the Catholic Bishops of New York State have remained steadfast in their absolute commitment to ensuring Fidelis Care was an organization that did right by New Yorkers and maintained our cherished Catholic values. It’s because of these tireless efforts that the Cabrini Foundation will improve lives in every part of the state for generations to come.”¹²³

- ABC 13 in New York reported that “the floodgates opened” in August 2019 when “sex abuse survivors across New York began filing lawsuits in hopes of obtaining justice.” Within the first day, “37 cases were filed with the Monroe County Court Clerk pertaining to child sex abuse allegations” and “hundreds of lawsuits” had been filed statewide, with many of the victims in Monroe County alleging “abuse by clergy with the **Roman Catholic Diocese of Rochester**.”¹²⁴
- One month later, in September 2019, ABC reported that the Diocese of Rochester filed for bankruptcy after “at least 47 sex abuse lawsuits [had] been filed under the Child Victims Act in Monroe County,” 45 of which named the Diocese of Rochester as a defendant.¹²⁵

2020

- In early March 2020, the **Mother Cabrini Health Foundation** announced its “**first round of grants**,” which provided nearly \$150 million across New York State. According to the Foundation, the grants funded “more than 500 activities, programs, and initiatives in 2020 focused on improving the health and quality of life for low-income and underserved communities.”¹²⁶
- In late March 2020, the **Mother Cabrini Health Foundation** announced its “commitment of \$50 million in support of efforts to address the health-related needs of New York State residents arising as a direct result of COVID-19.” The Foundation said it would “distribute the \$50 million across New York State via **Coronavirus Emergency Support Grants** to community-based emergency response funds, healthcare providers, Catholic Charities affiliates serving all faiths, and other organizational efforts.”¹²⁷
- The Associated Press reported in February 2020 that the **Diocese of Buffalo** filed for bankruptcy protection after facing “more than 250 new lawsuits filed since August, when the New York’s Child Victims Act suspended the statute of limitations.” The Associated Press noted that “the numbers of suits is expected to grow to 400.”¹²⁸
- In June 2020, the **Diocese of Syracuse** “became the third of New York’s eight dioceses to file for bankruptcy protection as it defends itself against more than 100 lawsuits alleging clergy sexual misconduct” according to the Associated Press. The AP noted that “the move shifts cases from state courts to the federal court, where claimants’ attorneys say they have less access to

¹²² churchmilitant.com, September 17, 2018

¹²³ businesswire.com, April 17, 2019

¹²⁴ democraticandchronicle.com, August 14, 2019

¹²⁵ democratandchronicle.com, September 12, 2019

¹²⁶ prnewswire.com, March 4, 2020

¹²⁷ assets.website-files.com, March 31, 2020; philanthropynewsdigest.org, April 2, 2020

¹²⁸ apnews.com, February 28, 2020

diocesan records that could expose what church leaders knew about alleged misconduct and when.”

- In October 2020, the New York Times reported that, “facing more than 200 lawsuits over sexual abuse allegations, the **Diocese of Rockville Centre** on Long Island said on Thursday that it filed for bankruptcy, the largest Roman Catholic diocese in the United States to do so.” The Diocese “said it was seeking financial protection in part because of the passage of New York State’s **Child Victims Act**.” The Times noted that “According to documents filed in federal bankruptcy court, 223 cases filed against the Diocese of Rockville Centre were still pending in civil courts as of Tuesday,” and that “those lawsuits will now likely be frozen and swept under the supervision of bankruptcy court, where the focus will shift to the diocese’s financial assets.”¹²⁹
- On November 23, 2020, the **New York Attorney General** filed a civil suit against the **Diocese of Buffalo** and its leadership, including **Apostolic Administrator Edward Scharfenberger**, under the state’s nonprofit law, “alleging they covered up allegations of sexual misconduct and misused charitable assets by supporting predatory priests who were allowed to retire or go on leave.”¹³⁰

DIOCESE BANKRUPTCIES

The following list contains states and territories where Catholic Church dioceses have filed for bankruptcy. Bolded states include cases that are still active.¹³¹

- Alaska
- Arizona
- California
- Delaware
- **Guam**
- Iowa
- **Louisiana**
- Maryland
- **Minnesota**
- Montana
- **New Jersey**
- **New Mexico**
- **New York**
- Oregon
- **Pennsylvania**
- Washington
- Wisconsin

The following list contains all bankruptcy filings to date of US dioceses in chronological order.¹³²

¹²⁹ [nytimes.com, October 1, 2020](https://www.nytimes.com/2020/10/01/us/politics/diocese-rockville-centre-bankruptcy.html)

¹³⁰ [courthousenews.com, November 23, 2020](https://www.courthousenews.com/2020/11/23/diocese-of-buffalo-lawsuit/); [apnews.com, November 23, 2020](https://apnews.com/article/new-york-attorney-general-sues-diocese-of-buffalo-11232020)

¹³¹ [bishop-accountability.org, accessed January 7, 2021](https://www.bishop-accountability.org/)

¹³² [bishop-accountability.org, accessed January 7, 2021](https://www.bishop-accountability.org/)

- Archdiocese of Portland OR (July 6, 2004)
- Diocese of Tucson AZ (September 20, 2004)
- Diocese of Spokane WA (December 6, 2004)
- Diocese of Davenport IA (October 10, 2006)
- Diocese of San Diego CA (February 27, 2007)
- Diocese of Fairbanks AK (March 1, 2008)
- Oregon Province of the Jesuits (February 17, 2009)
- Diocese of Wilmington DE & MD (October 18, 2009)
- Archdiocese of Milwaukee WI (January 4, 2011)
- Congregation of the Christian Brothers (April 28, 2011)
- Diocese of Gallup NM (November 12, 2013)
- Diocese of Stockton CA (January 15, 2014)
- Diocese of Helena MT (January 31, 2014)
- Archdiocese of St. Paul and Minneapolis MN (January 16, 2015)
- Diocese of Duluth MN (December 7, 2015)
- Diocese of New Ulm MN (March 3, 2017)
- Diocese of Great Falls-Billings MT (March 31, 2017)
- Crosier Fathers and Brothers MN & AZ (June 1, 2017)
- Diocese of Winona-Rochester MN (December 3, 2018)
- Archdiocese of Santa Fe NM (December 3, 2018)
- Archdiocese of Agana, Guam (January 16, 2019)
- Diocese of Rochester NY (September 12, 2019)
- Diocese of Harrisburg PA (February 19, 2020)
- Diocese of Buffalo NY (February 29, 2020)
- Archdiocese of New Orleans LA (May 1, 2020)
- Diocese of St. Cloud MN (June 15, 2020)
- Diocese of Syracuse NY (June 19, 2020)
- Diocese of Rockville Centre NY (October 1, 2020)
- Diocese of Camden NJ (October 1, 2020)

WINDOW AND EXTENDED TIME LIMIT STATES

Window States: The following states and jurisdictions passed “lookback windows” allowing victims to sue regardless of when the alleged abuse occurred.¹³³

- **New York:** One-year window allowing previously barred suits opened August 14. After that, suits allowed until age 55, up from 23 before the law was passed.
- **New Jersey:** Two-year window opened Dec. 1. After that ends, suits allowed until age 55, up from 20.
- **California:** Three-year window opens Jan. 1, 2020. Triple damages if cover-up is proven. After window closes, suits allowed until age 40, up from 26.

¹³³ [apnews.com, December 2, 2019](https://www.apnews.com/2019/12/02/lookback-windows)

- Archdiocese of Portland OR (July 6, 2004)
- Diocese of Tucson AZ (September 20, 2004)
- Diocese of Spokane WA (December 6, 2004)
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¹³³ [apnews.com, December 2, 2019](https://www.apnews.com/2019/12/02)

- **Arizona:** Nineteen-month window opened in June. After it closes, suits allowed until age 30, up from 20.
- **Montana:** One-year window opened May 7. After that ends, suits allowed until age 27, up from 24.
- **Hawaii:** A previous window for filing old claims was first opened in 2012. It was reopened in 2018 and lasts until April 2020.
- **Vermont:** Eliminated age limits in May and window never expires.
- **North Carolina:** Two-year window opens Jan. 1, 2020. After that ends, suits allowed until age 28, up from 21.
- **District of Columbia:** Two-year window opened in May. After that, suits allowed until age 40, up from 25.

Extended Time Limits: Seven states changed their statute of limitations to allow filing of civil cases alleging abuse later in life.¹³⁴

- **Alabama:** Raised age limit to file to 25 from 21 this year.
- **Rhode Island:** Raised age limit this year to 53 from 25 for lawsuits against abuser and from 21 against institutions.
- **Connecticut:** Raised age limit to 51 from 48 in June.
- **Tennessee:** Raised age limit to 33 from 19 in May.
- **Texas:** Raised age limit to 48 from 33 this year.
- **Michigan:** Raised age limit to 28 from 19 in 2018.
- **Pennsylvania:** Raised age to 55 from 30 in November, but the law is not retroactive and so just for allegations of abuse in the future.

The Anderson Report on Fidelis Care and Mother Cabrini contains names of diocesan priests and other religious clerics associated with numerous dioceses and archdioceses. The information in this Anderson Report is derived from publicly available sources, claims made by survivors to the dioceses and religious orders responsible for the offenders, and legal settlements made as a result of claims for sexual abuse. While lawsuits were filed involving alleged perpetrators, the vast majority of the claims against these individuals have been settled or have not been fully evaluated in a civil or criminal court. Accordingly, the allegations should be considered just allegations and should not be considered proved or substantiated in a court of law. All individuals should be considered innocent until proven guilty. In some situations, the statute of limitations has expired preventing the cases from being heard in a court of law.

¹³⁴ [apnews.com, December 2, 2019](https://www.apnews.com/2019/12/02)