

EXHIBIT A-1

GENERAL ALLOCATION PLAN

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**ALLOCATION PROTOCOL FOR TORT CLAIMS AND
FUTURE TORT CLAIMS FILED IN THE CHAPTER 11 CASE OF THE
ROMAN CATHOLIC BISHOP OF HELENA, MONTANA**

1. PURPOSE

The purpose of this protocol is to provide for the distribution of funds to Tort Claimants and Future Tort Claimants.

This protocol does not apply to distribution of funds to holders of Province Channeled Claims (as defined in the Plan). Such funds, will be distributed in accordance with the Plan, the Trust Agreement and the protocol filed at Exhibit A-2 to the Plan.

2. DEFINITIONS

2.1 Capitalized Terms.

Capitalized terms used herein shall have the meanings given them in the Plan or the Bankruptcy Code, unless otherwise defined herein, and such definitions are incorporated herein by reference.

“Abuse Claims Reviewer” or “ACR” means the person, including the designee of such person, who will assess Tort Claims and Future Tort Claims. Subject to the Plan’s provisions for replacement of the Abuse Claims Reviewer, the Abuse Claims Reviewer is the Honorable William L. Bettinelli.

“Additional Claimants” means, collectively, all Holders of Tort Claims that (a) were filed as of the Claims Bar Date and (b) are not Whalen Claimants or Does Claimants.

“Additional Claimants Trust Account” means the Trust account established for payment of Tort Claims of the Additional Claimants.

“Claimant Pool” means a grouping of the Whalen Claimants as a single, separate group, the Does Claimants as a single, separate group, the Additional Claimants as a single, separate group and any Future Tort Claimants as a single, separate group. Each such group comprises its own “Claimant Pool.”

“Does Claimants” means, collectively, the Holders of Tort Claims listed on Schedule A-1.2 hereto (by Claim number only).

“Doe Trust Account” means the Trust account established for payment of Tort Claims of the Does Claimants.

“Future Tort Claim” has the same meaning as in the Plan.

“Future Tort Claimant” has the same meaning as in the Plan.

“Future Tort Claims Reserve Fund” has the same meaning as in the Plan.

“Plan” means and refers to the *Joint Plan of Reorganization Proposed by the Roman Catholic Bishop of Helena, Montana and the Official Committee of Unsecured Creditors* dated as of November 17, 2014 (as the same may be amended).

“Tort Claim” has the same meaning as in the Plan.

“Trust” has the same meaning as in the Plan.

“Trust Agreement” has the same meaning as in the Plan.

“Whalen Claimants” means, collectively, the Holders of Tort Claims listed on Schedule A-1.1 hereto (by Claim number only).

“Whalen Trust Account” means the Trust account established for payment of Tort Claims of the Whalen Claimants.

3. RULES OF INTERPRETATION AND GENERAL GUIDELINES

3.1 Sole and Exclusive Method.

The Plan and this protocol shall together be the sole and exclusive method by which a Tort Claimant or a Future Tort Claimant may seek distribution on account of a Tort Claim against the Debtor or a Future Tort Claim, as the case may be. The Plan and the Trust Agreement contemplate that separate trust accounts will be established for payment of each Claimant Pool, including the Doe Claimants, the Whalen Claimants and the Additional Claimants. The Plan and the Trust Agreement further contemplate that a separate reserve will be established for payment of Future Tort Claims.

3.2 Conflict with Plan.

The terms of the confirmed Plan (as it may be amended) or the Confirmation Order shall prevail if there is any conflict between the terms of the Plan and the terms of this protocol.

3.3 Non-Compensatory Damages and Other Theories of Liability.

In determining the distribution to any Tort Claimant or Future Tort Claimant, punitive damages and damages that do not compensate the Tort Claimant or Future Tort Claimant shall not be considered or allowed, even if these damages could have been considered or allowed under applicable non-bankruptcy law.

3.4 Withdrawal of Claims.

A Tort Claimant or Future Tort Claimant can irrevocably withdraw a Tort Claim or Future Tort Claim, as the case may be, at any time upon written notice to the Trustee.

3.5 Res Judicata Effect.

The ACR's determination with respect to a Tort Claim or Future Tort Claim shall have no preclusive, res judicata, judicial estoppel or similar effect outside of this Case as to any third party. That is, the ACR's determination may not be used against any Tort Claimant or Future Tort Claimant in any other matter, case or proceeding.

3.6 Confidentiality and Privilege.

All information that the ACR receives from any source about any Tort Claimant or Future Tort Claimant shall be held in strict confidence and shall not be disclosed absent an Order of the Bankruptcy Court or the written consent of the Tort Claimant or Future Tort Claimant (or such Claimant's counsel of record). All information that the ACR received from any Tort Claimant or Future Tort Claimant (including from counsel to such Claimant) shall be subject to a mediation privilege and receipt of such information by the ACR shall not constitute a waiver of any attorney-client privilege or attorney work-product claim or any similar privilege or doctrine.

4. ABUSE CLAIMS REVIEWER

The Honorable William L. Bettinelli has been appointed as the "Abuse Claims Reviewer" under the terms of this protocol and an order of the Bankruptcy Court. The ACR shall conduct a review of each of the Tort Claims and Future Tort Claims (as and when such Claims may be filed) and, according to the guidelines set forth in section 5 below, make determinations upon which individual monetary distributions will be made subject to the Plan and the Trust Documents. The ACR's review as to each Tort Claimant or Future Tort Claimant shall be the final review, subject only to reconsideration as set forth in section 8 below.

5. PROCEDURE FOR ALLOCATION AMONG ALLOWED TORT CLAIMS

5.1 Proof of Abuse.

The ACR shall consider all of the facts and evidence presented by the Tort Claimant or Future Tort Claimant in the Tort Claimant's or Future Tort Claimant's filed proof of claim. Within 30 days after confirmation of the Plan, Tort Claimants may submit supplemental information to the ACR in support of their Tort Claims. Subject to the ACR's sole discretion, Future Tort Claimants may not supplement their Proofs of Claim.

By a date to be established by the ACR and upon written request by a Tort Claimant or Future Tort Claimant or such Claimant's counsel of record, the ACR may interview any Tort Claimant or Future Tort Claimant; provided that for any face to face interview, the travel costs/expenses of the ACR (including the ACR's fees incurred for travel time)

shall be advanced by the Tort Claimant or Future Tort Claimant prior to the interview. Setoff of such costs/expenses against the Claimant's award shall not be an acceptable means of advancing such costs/expenses. The ACR may limit the duration of any interview to a reasonable period of time.

5.2 Guidelines for Allocation for Allowed Tort Claims.

(a) Initial Evaluation.

Solely with respect to Additional Claimants and Future Tort Claimants, before making a final determination regarding a particular Allowed Tort Claim that is an Additional Claim or any Future Tort Claim, the ACR shall consider whether the Additional Claimant or Future Tort Claimant has proven by a preponderance of the evidence that the Tort was perpetrated by a person for whose actions the Debtor is liable in whole or in part.

The ACR's review with respect to Whalen Claimants and Does Claimants shall be limited to determining the allocation of points for such claimants pursuant to section 5.2(b) below.

(b) Evaluation Factors

Each Tort Claim or Future Tort Claim will be evaluated by the ACR. Each Claim will be scored according to the following system.

(i) Nature of the Sexual Abuse: MAXIMUM 70 POINTS

- (1) Duration;
- (2) Frequency/ number of instances;
- (3) Degree of intrusiveness into child's body (*e.g.* clothed/unclothed, oral, anal, vaginal);
- (4) Level or severity of force/violence/coercion/threats;
- (5) Control of environment (*e.g.* boarding school, orphanage, trip under supervision of perpetrator, day school, employment relationship with Perpetrator of the Debtors);
- (6) Number of Perpetrators of the Debtors that abused the Claimant;
- (7) Physical pain suffered; and/or
- (8) Grooming.

(ii) Impact of Abuse: MAXIMUM 30 POINTS

- (1) School behavior problems;
- (2) School academic problems;
- (3) Getting into legal trouble as a minor;
- (4) Loss of faith;
- (5) Damage to family relationships/ interpersonal difficulties;
- (6) Risk factors, including:
 - a. Childhood of poverty;
 - b. Family breakdown;
 - c. Exposure to substance abuse in home;
 - d. Absence of parental supervision; and/or
 - e. Being the victim of sexual or physical child abuse by someone other than a Perpetrator of the Debtors or witnessing sexual or physical child abuse of a third person;
- (7) Mental health symptoms, including:
 - a. Depression;
 - b. Suicide Attempt and suicidal ideation;
 - c. Anxiety;
 - d. Substance abuse;
 - e. Sexual acting out;
 - f. Runaway;
 - g. Flashbacks; and/or
 - h. Nightmares; and/or
- (8) Adult and current functioning:
 - a. Criminal record as an adult;

- b. Underemployment/unemployment;
- c. Relationship problems; and/or
- d. Substance abuse.

5.3 In evaluating the claims, the ACR shall disregard any considerations related to the statute of limitations with respect to sexual abuse and/or sexual assault claims. In addition, there will be no consideration of joint or several liability issues vis-à-vis non-Diocese of Helena individuals or entities that may potentially be liable for the abuse to the Tort Claimants or Future Tort Claimants; the primary function of the evaluation is to facilitate the equitable division of the proceeds of this settlement among the various Tort Claimants and any Future Tort Claimants.

6. MINIMUM DISTRIBUTION

Notwithstanding anything to the contrary herein or in the Plan, every holder of an Allowed Tort Claim shall receive a distribution of at least \$2,500, unless the Claim is disallowed in its entirety by an Order of the Bankruptcy Court. Such minimum distribution shall not apply to Future Tort Claims.

7. MONETARY DISTRIBUTION.

The ACR will arrive at a point total for each Tort Claimant or Future Tort Claimant taking into account the above factors.

The Trustee of the Trust shall calculate the value of an individual “point” within a Claimant Pool after all Tort Claims or Future Tort Claims within a Claimant Pool have been reviewed. The point value will be determined by dividing (x) the total amount of dollars in the amount funded to the applicable Claimant Pool for the Tort Claim or Future Tort Claim by (y) the total number of points among all of the individual Tort Claims or Future Tort Claims within the same Claimant Pool. By way of example, if there are 50 claimants awarded a total of 10,000 points within a given Claimant Pool, with a total settlement fund of \$2 million, each point would be valued at \$200.

Solely with respect to Future Tort Claims, the point value shall be determined and adjusted from time to time as Future Tort Claims are filed. Such adjustment will occur as claims are filed because each additional claims will increase the points by which the amount to be distributed is divided. By way of example, if there are two (2) Future Tort Claims filed during the first year after confirmation, with each claim assigned 75 points, and there is \$10,000 to distribute, then the value of each point would be \$66.67 [10,000/(75*2)]. However, if there is a new Future Tort Claims worth 75 points filed the next year, then the value of each point would be \$44.44 [10,000/(75*3)]. As such, as new Future Tort Claims are filed, the value of points may be adjusted.

**8. DETERMINATIONS BY THE ACR
AND REQUESTS FOR RECONSIDERATION AND APPEAL.**

The Trustee shall notify each Tort Claimant or Future Tort Claimant in writing of the monetary distribution with respect to the Tort Claimant's or Future Tort Claimant's Claim, which distribution may be greater or smaller than the actual distribution to be received based on reserves established by the Trustee and the outcome of any reconsideration of claims. The Trustee shall mail this preliminary determination to the Tort Claimant or Future Tort Claimant to the Tort Claimant's or Future Tort Claimant's counsel of record, or in the case of unrepresented parties, to the last address based on the Tort Claimant's or Future Tort Claimant's filed proof of claim. The ACR's determination shall be final unless the Tort Claimant or Future Tort Claimant makes a timely request for the point award to be reconsidered by the ACR. The Tort Claimant or Future Tort Claimant shall not have a right to any other appeal of the ACR's point award. The Tort Claimant or Future Tort Claimant may request reconsideration of the ACR's point award by delivering a written request for reconsideration to the ACR within 10 calendar days after the date of mailing of the preliminary monetary distribution. The Tort Claimant or Future Tort Claimant, with the request for reconsideration, may submit additional evidence and argument in support of such request upon a showing that such additional information could not have been provided in accordance with this protocol. The ACR shall have sole discretion to determine how to respond to the request for reconsideration. The ACR's determination of such request for reconsideration shall be final and not subject to any further reconsideration, review or appeal by any party, including a court.

Schedule A-1.1
(Whalen Claims)

13	60	107	156	203	347
14	61	108	156	204	348
15	62	108	157	205	349
16	63	110	158	206	352
17	64	111	159	207	353
18	65	112	160	208	354
19	66	113	161	209	355
20	67	114	162	210	356
21	68	115	163	211	357
22	69	116	164	212	358
23	70	117	165	213	359
24	71	118	166	214	360
25	72	119	167	215	361
26	73	120	168	216	362
27	74	121	169	217	363
28	75	122	170	218	364
29	76	123	171	219	365
30	77	124	172	220	366
31	78	125	173	221	367
32	79	127	174	222	368
33	80	128	175	223	369
34	81	129	176	224	370
35	82	130	177	225	371
36	83	132	178	226	372
37	84	133	179	325	373
38	85	134	180	326	375
39	86	135	181	327	376
40	87	136	182	328	377
41	88	137	183	329	378
42	89	138	184	330	379
43	90	139	185	331	380
44	91	140	186	332	381
45	92	141	187	333	384
46	93	142	188	334	385
47	94	143	189	335	386
48	95	144	190	336	393
49	96	145	191	337	394
50	97	146	192	338	
51	98	147	193	339	
52	99	148	194	340	
53	100	149	196	341	
54	101	150	197	342	
55	102	151	198	343	
56	103	152	199	344	
57	104	153	200	345	
58	105	154	201	346	
59	106	155	202	347	

Schedule A-1.2

(Does Claims)

229	275	323
229	276	
230	277	
231	278	
232	279	
233	280	
234	281	
235	282	
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