

**NON-MONETARY UNDERTAKINGS OF THE  
ROMAN CATHOLIC BISHOP OF STOCKTON**

1. The Reorganized Debtor<sup>1</sup> shall comply with all policies and procedures regarding child abuse<sup>2</sup> and vulnerable person abuse prevention for all the Diocese's clergy, employees, representatives, agents and spokespersons and Diocese schools. The Reorganized Debtor shall also include the current policies and procedures on its website.

2. The Reorganized Debtor shall continue to require and fund annual mandatory reporting training for all of its employees and clergy who are in active ministry. Such training shall be in compliance with any laws on mandatory reporting and the internal policies and procedures of the Reorganized Debtor.

3. The Reorganized Debtor shall comply with all applicable laws regarding the reporting of abuse within the Diocese. The Reorganized Debtor will inform all priests, religious employees, lay employees, representatives, agents and spokespersons within the Diocese to report any abuse within the territory of the Diocese.

4. The Reorganized Debtor shall direct all priests, religious employees, lay employees, representatives, agents and spokespersons not to refer either verbally or in writing (including via email) to Tort Claimants as "alleged" claimants, "alleged" victims or "alleged" survivors and will require the same to refer to Tort Claimants as "survivors of clergy sexual abuse" or "survivors of sexual abuse perpetrated by lay employees."<sup>3</sup>

5. For a period of no fewer than ten (10) years after the Effective Date, the Reorganized Debtor shall post through a prominent link on the Reorganized Debtor website's home page<sup>4</sup> a list of the names of all known priests, religious<sup>5</sup> employees, or lay employees of the Diocese, or the current parishes, missions and schools within the geographic parameters of the Diocese, against whom credible allegations of abuse have been determined by the Reorganized Debtor in compliance with the internal policies of the Reorganized Debtor. As of the filing of the Plan, the Reorganized Debtor has already published such names both on the website of the

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<sup>1</sup> Capitalized terms used herein shall have the same meanings and definitions as in the "Debtor's Plan of Reorganization dated October 26, 2016," [Dkt. No. 757] as may be amended.

<sup>2</sup> References herein to "child abuse" and/or "sexual abuse" shall include the definition of the term "Abuse" contained in the Plan.

<sup>3</sup> This provision shall not apply to any Unknown Tort Claimant who asserts that he or she was abused after the Tort Claims Bar Date until such time that the abuse described by such Unknown Tort Claimant is deemed credible by the Reorganized Debtor or an independent third party (including law enforcement).

<sup>4</sup> For purposes of these undertakings, references to prominent links on a website homepage shall mean a clearly labeled link that does not require more than two "clicks" to access referenced materials. Any reference to the Reorganized Debtor's homepage shall be to the principal website maintained by the Diocese at any given time.

<sup>5</sup> "Religious" means religious of any Catholic religious order operating within the geographic boundaries of the Diocese whether or not such religious had faculties from the Diocese.

Reorganized Debtor and in parish bulletins. After the Effective Date, the Reorganized Debtor shall add any additional names to the list to the extent that the Reorganized Debtor determines there are additional individuals where credible allegations of abuse have been determined by the Reorganized Debtor in compliance with the internal policies and procedures of the Reorganized Debtor.

6. The Reorganized Debtor will provide a mechanism for any survivor to tell his or her story, if requested by the survivor.

7. Within sixty days after the Effective Date, the Bishop shall send letters of apology to all Tort Claimants and/or, if requested, to immediate family member(s) unless a Tort Claimant requests in writing that he or she does not wish to receive a letter. Letters of apology shall state that the survivor was not at fault for the abuse and that the Reorganized Debtor takes responsibility for the abuse. The Bishop shall personally sign the letters of apology.

8. The Bishop will personally visit each operating Parish or Catholic school in which abuse is alleged to have occurred or where identified abusers served, with a schedule to be published at least thirty (30) days in advance of each meeting (including by posting on the Reorganized Debtor's website, posting in the Parishes, publishing in the Parish bulletins, and by reasonable notice to all Tort Claimants of any such meetings), inviting all known survivors of abuse in that Parish or geographical area to attend and shall provide a forum/discussion during his visit to address questions and comments. The Reorganized Debtor shall provide a telephone number and email address for parties to contact on a confidential basis in order to schedule a meeting. The Bishop shall be available upon reasonable notice to have a private conference with any Tort Claimant or any other person that informs the Reorganized Debtor that he or she was sexually abused by clergy, religious or employees of the Reorganized Debtor.

9. The Reorganized Debtor shall continue its existing policy to provide counseling to persons credibly claiming sexual abuse. This does not apply to Tort Claimants because they have resolved their claims through the Reorganization Case or any other persons who have resolved their claims through prior legal action. The Reorganized Debtor may, in its discretion, provide or continue to provide counseling to persons who made allegations of sexual abuse not deemed credible or to those who have already resolve their claims, but shall not be required to do so.

10. The Reorganized Debtor shall designate a person responsible for assisting victims of sexual abuse. Such person's responsibilities shall include coordinating treatment in accordance with existing Diocesan policies. Such person shall be available for direct verbal communications with victims of sexual abuse. Contact information (phone and email) shall be posted on the Reorganized Debtor's website. Communications from sexual abuse victims shall be returned within two (2) Business Days.

11. The Reorganized Debtor shall provide and direct the prominent display of a plaque (no smaller than 8.5 inches by 11 inches) in each operating Parish and Catholic school within the geographic boundaries of the Diocese stating: "This Parish (or school) is strongly committed to the emotional, physical, spiritual and moral wellbeing of all of its members. Abuse of any kind will not be tolerated." Such plaques shall be ordered within sixty days of the Effective Date and will be promptly delivered to the Parishes and schools after received by the Reorganized Debtor.

12. The Reorganized Debtor shall continue to comply with Article 3 of the Charter for Protection of Children and Young People regarding confidentiality provisions in settlement agreements. The Reorganized Debtor shall not require a confidentiality provision in any future settlement agreements, unless requested by the survivor.

13. The Reorganized Debtor shall publish on its website home page, or its successor, as standalone documents, these non-monetary stipulations for a period of five (5) years after the Effective Date.

14. The Reorganized Debtor will provide status reports to the Trustee regarding compliance with these undertakings. The reports will be provided semi-annually for two (2) years after the Effective Date. Nothing about these continuing reporting requirements will prevent the issuance of a final decree or closing of the Reorganization Case.

15. "Priest Files" shall mean the following, whether public or non-public, to the extent such Documents relate to an Identified Abuser, all personnel files, all documents relating to the supervision, placement, and/or remedial steps taken with respect to any Identified Abuser. "Priest Files" shall also include, to the extent relating to or in any way referencing sexual abuse or alleged sexual abuse of minors, or in any other way relating to the supervision, placement, and/or remedial steps taken with respect to any Identified Abuser, the following: all documents, files, and other information including, without limitation, correspondence, in video and audio recordings, archives, electronic data and other media sources of any kind, whether public or nonpublic. "Priest Files" shall not include reports or results of psychological or psychiatric evaluations of any priest or alleged abuser. "Priest Files" shall not include documents prepared for submission to or use in a canonical process or tribunal.

16. Regarding Documents that are medical records, the Reorganized Debtor will comply with applicable laws and regulations to the extent that such laws and regulations have not been waived by the party to whom such Documents relate. The Reorganized Debtor agrees not to oppose a court order requiring the production of such Documents.

17. The Reorganized Debtor will produce to Tort Claimants or to anyone who has alleged to be a survivor of sexual or physical abuse or their designee any and all personal records of the survivor, including but not limited to school records and sacramental records within thirty (30) days of request, and such documents shall not redact the identity of the requesting sexual abuse survivor's identity.

18. All documents produced by the Reorganized Debtor to Tort Claimants' counsel in any prepetition litigation regarding the Abuse of a Tort Claimant may be disclosed to the Tort Claimant regardless of any orders or agreements in such litigation, subject to redaction of identifying information regarding any other Tort Claimant or survivor of sexual abuse.

19. If, prior to confirmation of a plan, a Tort Claimant wishes to see the Priest File of his or her abuser, counsel for the Committee may allow the Tort Claimant to view such file, but no copies from the file or duplicates of the file(s) will be provided to the Tort Claimant. Such production shall be limited to the procedures set forth herein, as ordered by the Bankruptcy Court or as may further be agreed to between the Committee and the Debtor. The Tort Claimant will only have access to the file of his or her abuser, and such file will be provided electronically by the

Committee to the Tort Claimant. Such file will be for the Tort Claimant's eyes only and may not be duplicated in any manner. Subject to specific terms to be further agreed upon between the Committee and the Debtor, the files will be password protected, and may only be accessed by the intended recipient. The file may only be viewed by the Tort Claimant and both counsel for the Committee and the Debtor will receive notice that the file has been accessed by the intended recipient. Upon such notification, access will no longer be allowed, except as agreed upon by the Debtor and the Committee. To be clear, any duplication (including, but not limited to photographing, imaging, copying, printing, saving and scanning) of such a Priest File will be strictly forbidden by the order of the Court, and anyone who violates the Order and/or the terms of these non-moneteraries may be subject to sanctions, as ordered by the Court.

20. The provisions of Paragraph 19 and Paragraph 21 below shall only apply to those Priest Files that are not publicly available. To the extent that a Priest File is publicly available, the Tort Claimant may access such files through those public websites and the Reorganized Debtor and/or the Committee are under no obligation to provide such files.

21. Counsel for the Committee shall hold the Priest Files referenced in paragraph 19 for a period of one (1) year from the Effective Date, and on the first anniversary of date of confirmation of the plan, counsel for the Committee shall destroy all such files and notify counsel for the Reorganized Debtor that those files have been destroyed. If, during this one (1) year period, a Tort Claimant wishes to view the file of his or her abuser, he or she may do so in accordance with the provisions of paragraph 18, including the possibility of sanctions if the Tort Claimant does not abide by the requirement for viewing the files and/or the order of the Court. Any Priest Files viewed by any Tort Claimant under paragraph 18 shall not contain the names of any survivors or victims other than the Tort Claimant.