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Proof of Claim form: Charles L. Montaña (JD144B)

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Proof of Claim form: Charles L. Montaña (JD144B)

Content Notice

This item is part of the Archdiocese of Santa Fe Institutional Abuse Collection, and it may contain descriptions of physical, emotional, sexual, and religious abuse, including abuse of minors. Other potentially sensitive topics within the collection include mental health conditions, substance abuse, and other forms of violence.

Resources are available if you or someone you know needs support for any reason.

For the National Sexual Assault Hotline, call 800-656-HOPE (4673) or go to <https://hotline.rainn.org/online>

For the 988 Suicide and Crisis Lifeline, call or text 988, or go to <https://chat.988lifeline.org/>

For the Substance Abuse and Mental Health Services Administration Helpline, call 1-800-662-4357

For crisis treatment in New Mexico: <https://www.nmhealth.org/contact/crisis/>

Survivors Network of those Abused by Priests resources: https://www.snapnetwork.org/resources_for_survivors

To report abuse:

- <https://archdiosf.org/report-abuse>
- <https://www.reportbishopabuse.org/>

To report child abuse:

- <https://www.childhelpline.org/>

Keywords

child sexual abuse, church abuse, New Mexico, Archdiocese of Santa Fe

Disciplines

Catholic Studies | Ethics in Religion | Religion Law | United States History

JD144B

May 20, 1:07
2019

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New Mexico
corporation sole,

Debtor.

Chapter 11
Case No. 18-13027-t11

CORRECTED SEXUAL ABUSE PROOF OF CLAIM

This form has been corrected solely with respect to the address for hand delivery.

IMPORTANT:
THIS FORM MUST BE RECEIVED NO LATER THAN
June 17, 2019 AT 5:00 P.M. (PREVAILING MOUNTAIN TIME)

Carefully read Notice and Instructions that are included with this **CONFIDENTIAL PROOF OF CLAIM** and complete all applicable questions. Send together with one copy to: Clerk of the United States Bankruptcy Court, District of New Mexico at the following address: Office of the Clerk of Court-ATTN SEALED DOCUMENTS, U.S. Bankruptcy Court, District of New Mexico, Pete V. Domenici U.S. Courthouse, 333 Lomas Blvd. NW, Suite 360 Albuquerque, NM 87102. If you prefer to hand deliver the completed Confidential Proof of Claim form to the Clerk, the physical address for hand delivery is Clerk of the United States Bankruptcy Court, District of New Mexico, 333 Lomas Blvd. NW, Suite 360 Albuquerque, NM.

If you mail or deliver the Confidential Proof of Claim form it must be received by the Clerk no later than 5:00 p.m. (prevailing Mountain Time) on June 17, 2019.

YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.

AND YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING TOLL FREE AT 888-570-6217.

FAILURE TO COMPLETE AND RETURN THIS FORM MAY RESULT IN YOUR INABILITY TO VOTE ON A PLAN OF REORGANIZATION AND RECEIVE A DISTRIBUTION FROM THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE, COMMONLY KNOWN AS THE ARCHDIOCESE OF SANTA FE (THE "ARCHDIOCESE").

UNLESS YOU INDICATE OTHERWISE IN PART 1 BELOW, YOUR IDENTITY WILL BE KEPT STRICTLY CONFIDENTIAL, UNDER SEAL, AND OUTSIDE THE PUBLIC

RECORD OF THE BANKRUPTCY COURT. HOWEVER, THIS PROOF OF CLAIM AND THE INFORMATION IN THIS PROOF OF CLAIM WILL BE PROVIDED PURSUANT TO COURT-APPROVED CONFIDENTIALITY GUIDELINES TO THE ARCHDIOCESE, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND TO SUCH OTHER PERSONS AS THE BANKRUPTCY COURT DETERMINES NEED THE INFORMATION IN ORDER TO EVALUATE THE CLAIM.

THIS PROOF OF CLAIM IS FOR SEXUAL ABUSE CLAIMANTS ONLY.

For the purposes of this Proof of Claim, a **Sexual Abuse Claim** is defined as any Claim (as defined in section 101(5) of the Bankruptcy Code) against the Archdiocese resulting or arising in whole or in part, directly or indirectly from any actual or alleged sexual conduct or misconduct, sexual abuse or molestation, indecent assault and/or battery, rape, pedophilia, ephebophilia, or sexually-related physical, psychological, or emotional harm, or contacts, or interactions of a sexual nature between a child and an adult, or a nonconsenting adult and another adult, sexual assault, sexual battery, sexual psychological or emotional abuse, humiliation, or intimidation, or any other sexual misconduct, and seeking monetary damages or any other relief, under any theory of liability, including vicarious liability, any negligence-based theory, contribution, indemnity, or any other theory based on any acts or failures to act by the Archdiocese or any other person or entity for whose acts or failures to act the Archdiocese is or was allegedly responsible.

For Purposes of this Proof of Claim, a **Sexual Abuse Claimant** is defined as the person asserting a Sexual Abuse Claim against the Archdiocese, or if a minor, then his parent or legal guardian.

TO BE VALID, THIS PROOF OF CLAIM MUST BE SIGNED BY YOU OR YOUR ATTORNEY. IF THE SEXUAL ABUSE CLAIMANT IS DECEASED OR INCAPACITATED, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S REPRESENTATIVE, EXECUTOR OF THE ESTATE OR THE ATTORNEY FOR THE ESTATE. IF THE SEXUAL ABUSE CLAIMANT IS A MINOR, THE FORM MAY BE SIGNED BY THE SEXUAL ABUSE CLAIMANT'S PARENT OR LEGAL GUARDIAN, OR THE SEXUAL ABUSE CLAIMANT'S ATTORNEY.

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

PART 1: CONFIDENTIALITY

THIS SEXUAL ABUSE PROOF OF CLAIM (ALONG WITH ANY ACCOMPANYING EXHIBITS AND ATTACHMENTS) WILL BE MAINTAINED AS CONFIDENTIAL PURSUANT TO COURT-APPROVED GUIDELINES UNLESS YOU EXPRESSLY REQUEST THAT IT BE PUBLICLY AVAILABLE BY CHECKING THE BOX AND SIGNING BELOW. ONLY THE SEXUAL ABUSE CLAIMANT MAY WAIVE CONFIDENTIALITY IN THIS PART 1.

- I do not want this Proof of Claim (along with any accompanying exhibits and attachments) to be kept confidential. Please verify this election by signing directly below.

Signature: _____

Telephone No.

Fax No.

E-mail address

PART 3: NATURE OF COMPLAINT

(Attach additional separate sheets if necessary)

NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE ARCHDIOCESE IN STATE OR FEDERAL COURT, YOU MAY ATTACH THE COMPLAINT. IF YOU DID NOT FILE A LAWSUIT, OR IF THE COMPLAINT DOES NOT CONTAIN ALL OF THE INFORMATION REQUESTED BELOW, YOU MUST PROVIDE THE INFORMATION BELOW.

- a. Who committed the acts of sexual abuse or other wrongful conduct?

I was abused by three (3) members of the Roman Catholic clergy: Br. Andrew Abdon, Br. Tom McConnell, the wrestling coach, and Fr. Moschel, who, I understand, turned out to not even be a priest but was only pretending to be a priest. All three were at St. Michael's High School in Santa Fe when I attended the school between 1973 and 1979.

- b. What is the position, title or relationship to you (if known) of the abuser or individual who committed these acts?

Br. Abdon was my teacher and counselor. Bro Tom was the wrestling coach and I was a member of the wrestling team. Fr. Moschel was a priest who had an office at St. Michael. He routinely did mass there and around Santa Fe. He became a friend of my family, very revered by my parents. He married two of my older siblings.

- c. Where did the sexual abuse or other wrongful conduct take place? Please be specific and complete all relevant information that you know, including the City and State, name of the School (if applicable) and/or the name of any other location.

Fr. Abdon abused me in the boys' locker room shower from 1973 until he died. Br. Tom abused me while wrestling with me hundreds of times during wrestling practice. Fr. Moschel sexually abused me at a party, after getting me drunk and while he was drunk.

- d. When did the sexual abuse or other wrongful conduct take place?

1. If the sexual abuse or other wrongful conduct took place over a period of time (months or years), please state when it started, when it stopped, and how many times it occurred.

The abuse by Br. Abdon occurred throughout the time I was a student at St. Michael, from 1973 to 1977. It ended when Br. Abdon died.

The abuse by Br. Tom took place for four (4) years, the entire time I was on the wrestling team. It ended when #10, another student and wrestler, reported that Br. Tom raped him and Br. Tom disappeared from the school.

The abuse by Fr. Moschel took place in 1979.

2. Please also state your age(s) and your grade(s) in school (if applicable) at the time the abuse or other wrongful conduct took place.

The abuse began with Br. Abdon when I was in 7th grade and was 11 years old and lasted four (4) years.

The abuse by Br. Tom began when I was in 9th grade, 13 years old and lasted four (4) years.

The abuse by Fr. Moschel was when I was 17 years old and a senior in High School.

- e. What happened (describe what happened):

Br. Abdon was always in the locker room when boys were showering. He would walk around and inspect us all but he would focus his attention on me, looking at my naked body and telling me things like I needed to wash my asshole better, put soap in it and things like that. It was constant and extremely invasive. I felt like I was always being trolled by him. Br. Abdon was like a God on campus. He was very nice all the rest of the time, even kind to me. He was highly respected so it was very conflicting for me to feel he was acting sexually aggressive with me – like he was pursuing me, while everyone else held him in such high regard. I loved him but I knew he was after me sexually. It messed me up.

Br. Tom was my wrestling coach. He wrestled with me and other members of the team. While wrestling, he was constantly touching my genitals and buttocks in a highly sexual manner. He would get all worked up. He'd get an erection and tried to move it on me. I spent all my time trying to flip him over so he was not on me. It was clearly a sexual activity for him. I had no choice but to participate, at his will. This lasted 4 years of high school wrestling, hundreds of times.

Fr. Dan Moschel was the priest at St. Michaels. He said mass and was very highly respected by everyone. He became a trusted friend of my family and said the wedding mass for two of my sisters. One evening two friends and I were invited to his house. He served us a lot of alcohol and then he came up behind me and grabbed my genitals from behind. I shook him off. He then spent the rest of the evening trying to touch me and trying to get me to participate in sexual activity with him. After forty (40) minutes or so, I became aggressive and shoved him, very hard, off of me.

- f. Did you tell anyone about the sexual abuse or other wrongful conduct and, if so, who did you tell and when (this would include parents; relatives; friends; the Archdiocese; attorneys; counselors; and law enforcement authorities)?

I told #10, a friend from high school that I did not want to be around Br. Tom but I did not tell her why and she never asked. Last year, taking care of my ailing father, I felt the same “utter lack of control” that I felt at St. Michael’s when I was being abused. I crashed and it all came flooding back to me – as if I was reliving that lack of control with Br. Abdon, Br. Tom and Fr. Moschel. Why did they all want me? What’s wrong with me. After this trigger, I told my friend #10, my current counselor and my attorneys.

- g. Identify any church or religious organization you have belonged to or have been affiliated with.

I left the Catholic Church. I could not trust priests and brothers anymore. I tried lots of other churches, seeking – but can’t get over my anger and distrust of clergy. I am now a born again Christian, although I am not a member of any church.

- h. State whether there were any witnesses to the abuse. If there were any witnesses, please list their name(s) and any contact information you have.

There were many witnesses to Br. Abdon’s sexually abuse in the locker room, many classmates. He targeted me with extra attention when I was in the shower and it was noticed by all the other boys. It was very embarrassing that other boys saw him direct his sexual attention towards me.

I really do not know how much other members of the wrestling team saw when Br. Tom was wrestling with me, although I would think it was noticeable and I suspect I was not the only one this happened to. I do believe he “preferred” me for some reason – I was sought out as his wrestling partner on purpose so he could abuse me. Why me?

There were two (2) witnesses to Fr. Moschel’s sexual abuse: #10 and #10 #10

PART 4: IMPACT OF COMPLAINT

(Attach additional separate sheets if necessary)

(If you are uncertain how to respond to this Part 4, you may leave this Part 4 blank, but you will be required to complete this Part 4 within thirty (30) days after a written request is made for the information requested in this Part 4)

1. What injuries (including physical, mental and/or emotional) have occurred to you because of the act or acts of sexual abuse or other wrongful conduct that resulted in the claim (for example, the effect on your education, employment, personal relationships, health, and any physical injuries)?

From age 11, 7th grade on, my entire middle and high school experience was that of hiding, avoiding and trying to deal with two men who were always after me sexually. My childhood ended with years of sexual tension, externally and internally. Fr. Abdon was relentless and he embarrassed me and made me question whether I was gay. I was extremely confused by his kindness and my love for him and my anger that he was trolling me and making my classmates think I was gay or in some kind of relationship with him. All I could figure out was that "I" was evil. I began a sort of "evil complex" where I deliberately did bad things. I knew I was living a lie one way or the other. Either I was gay and that's why these men wanted me or I was evil. Evil was easier ... so I was that.

I loved Br. Tom and I loved wrestling. I went on to become a collegiate wrestler, in part I now believe, because I was so violent and aggressive – like every wrestling match was me and Br. Tom, even when it wasn't Br. Tom. But I was aggressive and violent. I have had life long trouble with authority figures and was arrested in college for tackling a police officer. Why was I so angry at a police officer? I trust no one. I do not belong to any religious organization because I especially do not trust religious authority. I also do not have any close friends, I trust no one.

I turned my self- doubt into self-medication. I have suffered many addictions, drugs, alcohol, sex and all of the many problems that spin out of addictions, like interpersonal relationship problems, health problems, abused drugs and alcohol for years. I was running from something, self-medicating.

With Br. Tom and Br. Abdon both wanting me, I felt I was always stalked and that I must have been projecting something to them to make them want me sexually. I felt powerless and under the control of these men. It was the same powerlessness I felt dealing with my ailing father when there was nothing I could do but watch him deteriorate. I think that is why all of the abuse from St. Michael's came flooding back last year. I have PTSD, I can't stop the thoughts of Br. Abdon, Br. Tom and Fr. Moschel and am having nightmares.

Fr. Moschel getting me drunk and trying to have sex with me was the final straw. I was overly aggressive with him knocking him to the floor. And then I found out that the Archdiocese and St. Michael's didn't even check his background to find that he wasn't

even a priest! And he had access to me and all the other students for years. Who was protecting us?

My family was very Catholic. Me not being Catholic has been a strain on the relationships I had with my family. My mother knew that #10 had been raped by Br. Tom. And she never asked me if he did anything to me. Why not, why didn't she protect me better? She didn't even want to know if I had been abused by him. I felt betrayed by he not asking and held that against her, fraying that relationship.

2. Have you sought counseling or other treatment for your injuries? If so, with whom and when?

I have been in counseling for a very long time for my addictions and resulting chaos, although I did not realize until last year that my many life problems were linked to my childhood sexual abuse. My current therapist who I have recently disclosed the abuse to is James Reeves of Elevated Counseling in Albuquerque. I've seen him for four (4) months now.

PART 5: ADDITIONAL INFORMATION

1. Prior Claims: Have you filed any claims in any other bankruptcy case relating to the sexual abuse described in this claim.

Yes No (If "Yes," you are required to attach a copy of any completed claim form.)

If "Yes," which case(s):

2. Settlements: Regardless of whether a complaint was ever filed against any party because of the sexual abuse or other wrongful conduct, have you settled any claim relating to the sexual abuse or other wrongful conduct described in this claim?

Yes No (If "Yes," please describe, including parties to the settlement. You are required to attach a copy of any settlement agreement.)

3. Bankruptcy. Have you ever filed bankruptcy? Yes No (If "Yes," please provide the following information:

Name of Case: _____ Court: _____

Date filed: _____ Case No. _____

Chapter: 7 11 12 13 Name of Trustee: _____

4. State whether you have previously commenced any lawsuit seeking damages for the identified sexual abuse. If yes, please state:

a. Where and when you commenced the lawsuit:

b. The parties to the lawsuit:

c. The case number if any:

d. The result of the lawsuit:

Sign and print your name. If you are signing the claim on behalf of another person or an estate, print your title.

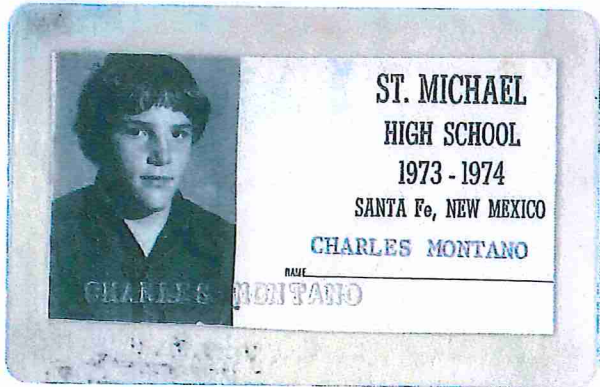
Under penalty of perjury, I declare the foregoing statements to be true and correct.

Date: 04/19/2019

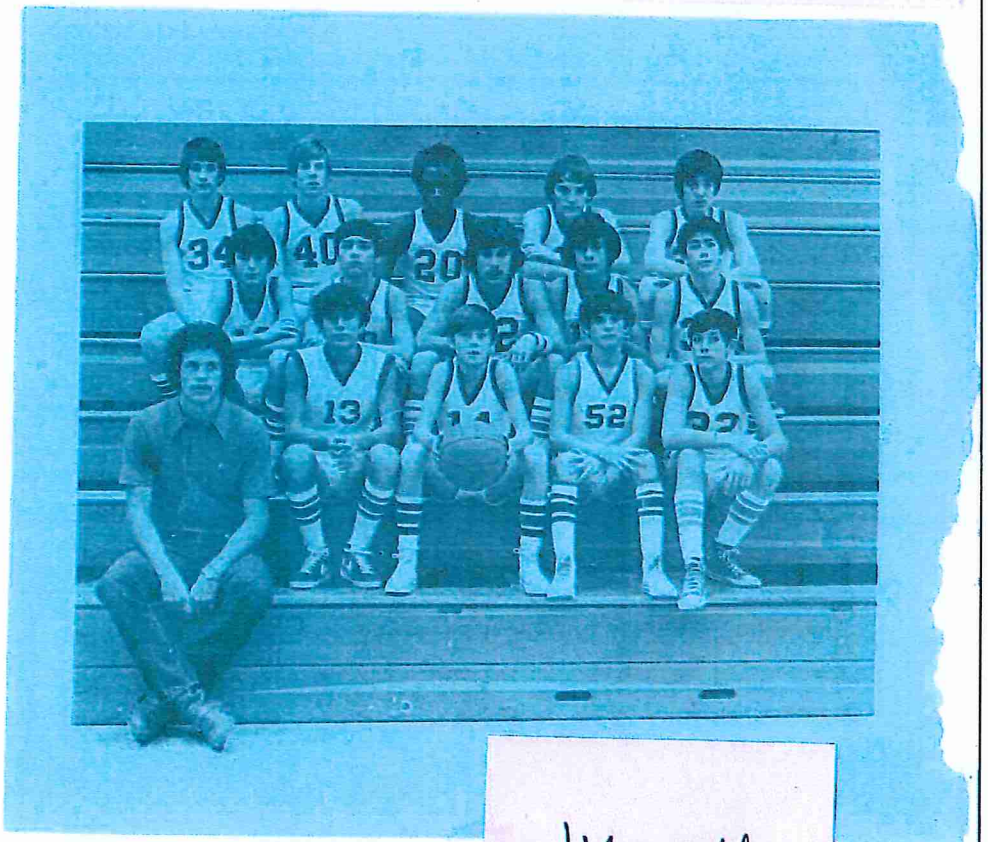
Signature: Charles L. Montano

Print Name: Charles L. Montano

Relationship to Sexual Abuse Claimant: _____



13 yrs old

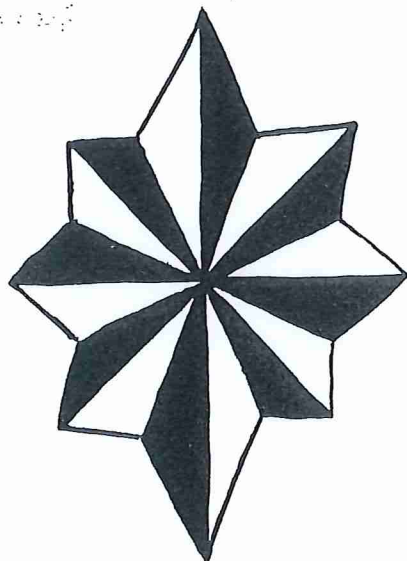
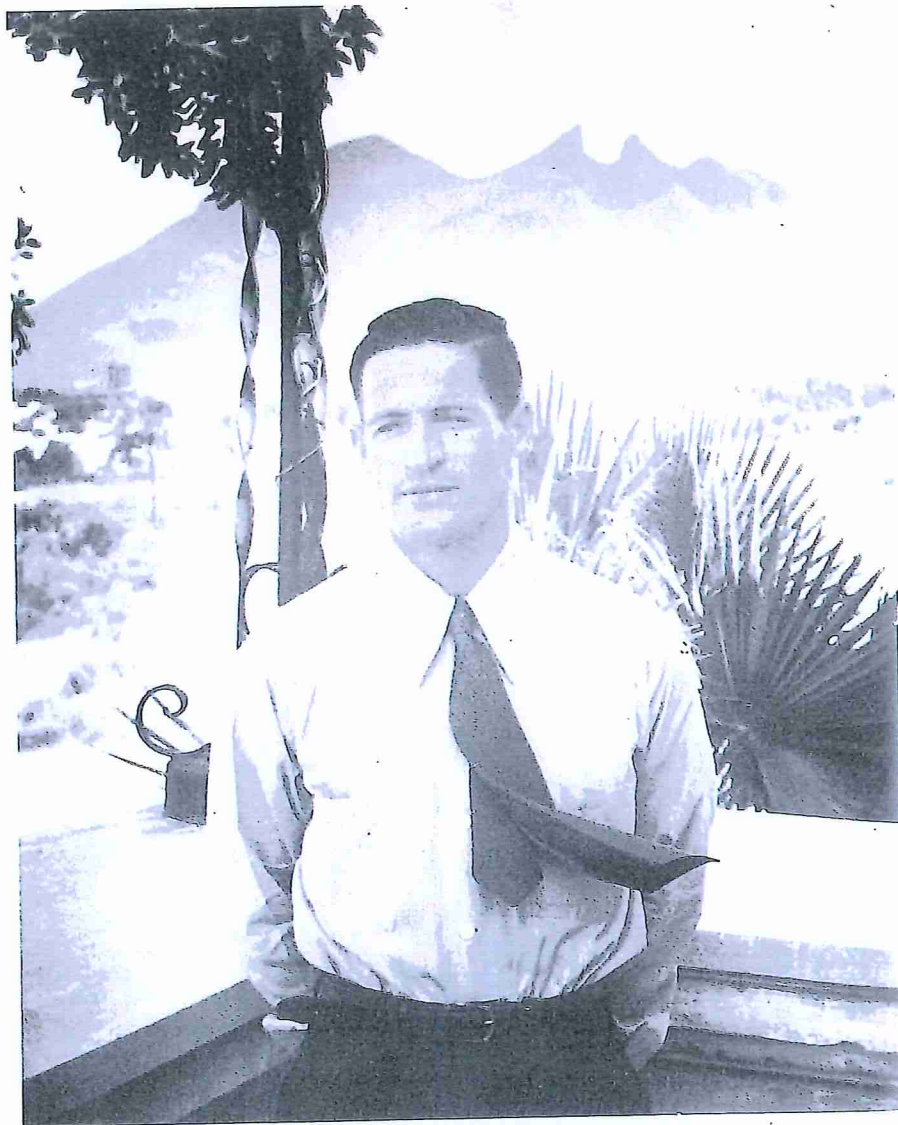
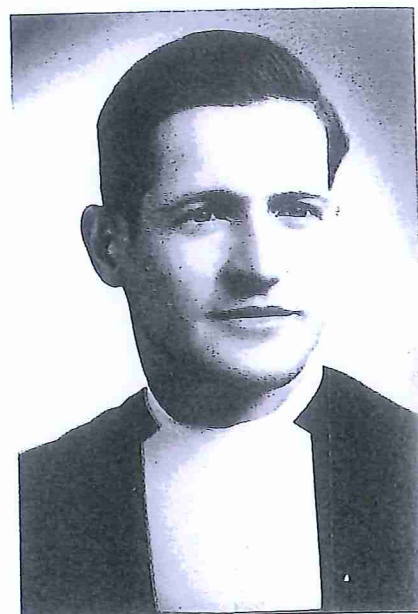


14 yrs old

El San Miguel 1978

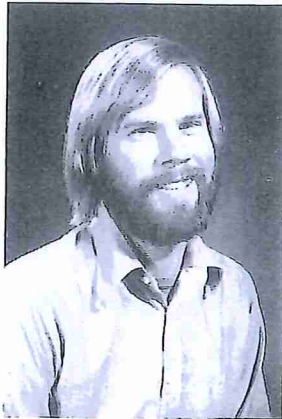
Dedicated To

Brother Abdon Christenson, fsc





Lucy Dix
English



John Dressman
Speech



Fr Daniel Moschel
English



Frances Ortiz
English



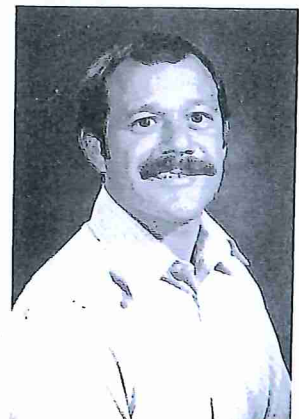
Bro Edward DeReyna
Social Science



Kristine Siverts
Spanish



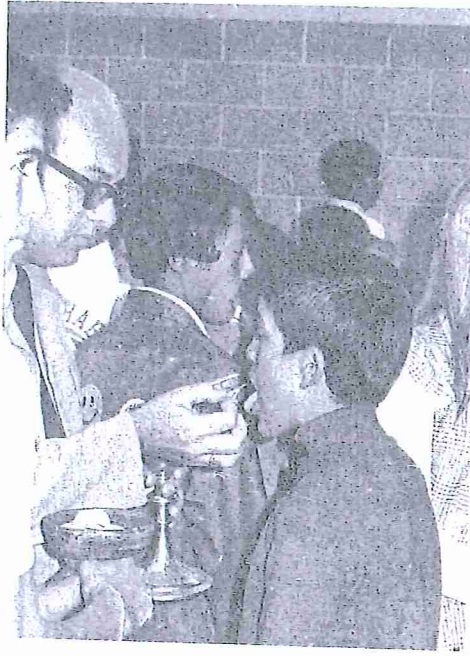
Kathy Dorning - Social
Science



Bro Peter Dudenheffer
Business



TERRY RUEDE
English teacher and Publisity



BROTHER TOM MC CONNELL
Senior English , and Wrestling coac



DENHEFFER
Math teacher



BROTHER LESTER LEWIS
Business Law Teacher