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Proof of Claim form: Daniel V. Bergs (JD100B)

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Proof of Claim form: Daniel V. Bergs (JD100B)

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

JD 100 B

FILED

at 4:24 o'clock P M

EXHIBIT A

MAY 16 2019

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

United States Bankruptcy Court
Albuquerque, 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

SEXUAL ABUSE PROOF OF CLAIM

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, 500 Gold Avenue SW, Tenth Floor, Albuquerque, New Mexico.

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: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

DANIEL V. BERGS
First Name Middle Initial Last Name Jr/Sr/III

2

Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address of the individual submitting the claim. If you are in jail or prison, your current address).

PERALTA N.M. 87042
City State/Prov. Zip Code (Postal Code) Country (if other than U.S.A.)

Telephone No. Home: # 2 Work: _____ Cell: # 2

Email address: _____ # 2

Social Security Number: #4

If you are in jail or prison, your identification number: _____

May we leave voicemails for you regarding your claim? Yes No

May we send confidential information to your email: Yes No

Birth Date: # 2 _____
Month Day Year Male Female

Any other name, or names, by which the Sexual Abuse Claimant has been known:

B. Sexual Abuse Claimant's Attorney (if any):

Hall & Monagle, LLC
Law Firm Name

Brad D. Hall
Attorney's First Name Middle Initial Last Name

320 Gold Ave SW #1218
Street Address

Albuquerque NM 87102
City State/Prov. Zip Code (Postal Code) Country (if other than U.S.A.)

(505) 255-6300 (505) 255-6323 brad@hallmonagle.com
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?

Fr. Arthur Perrault sexually abused me. The Archdiocese of Santa Fe, Our Lady of the Assumption Church, Annunciation Church, St. Bernadette Church and the Servants of the Paraclete all empowered Fr. Perrault to abuse me and/or should have never assigned him to positions where he could hurt children.

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

Fr. Perrault would periodically say mass at Assumption church, where I was an altar boy. My mother attended daily mass at Assumption so I got to know Fr. Perrault. He would ask my mother if I could go with him to Annunciation and St. Bernadette to be his altar server there when he covered masses at those parishes. Then he got assigned to Assumption and he abused me much more often.

- 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.

The abuse first took place many times in Assumption Church in the long hallway with the stained glass windows; a few times at St. Bernadette Church in the dressing room at the back of the Church, and a few times at Annunciation (the stinky church – it always smelled because they used incense a lot, in the sacristy (dressing room)) behind the altar.

- 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 began around 1970 when Fr. Perrault would periodically come to Assumption or would ask my mother for me to help him at Annunciation or St. Bernadette when he did masses there. It became more frequent around 1973 – 1974. He abused me, I believe, more than 100 times. It stopped one day when I

stood up to my mother and Fr. Perrault and screamed that I wasn't going to be his little boy anymore.

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.

I was 15 years old when it began.

- e. What happened (describe what happened):

I remember the first time very clearly. Fr. Perrault told me not to wear any clothing under my altar boy garments. I felt weird not wearing any clothing but he said he wasn't wearing any either. We walked down the long hallway to get to the back of the church. It was all stained glass windows. He locked the door and you could only get into the hallway with a key. He had a key. Down the hallway, he was very forceful pulling up my garment, grabbing me and making me fondle him, putting my hands on him and his hands all over me. He lifted his garments and rubbed himself on me, penetrated me and ejaculated. I was in shock and pain then he yelled at me get ready for mass. We went down the hallway and he said mass and I served. My mother always sat in the front row in mass and she noticed I was not wearing anything under my garment and yelled at me after mass saying, "Your naked!" She would not believe me when I told her Fr. Perrault told me not to wear anything. She was mad at me and when my father came home that night, He yelled at me that I was "blaspheming the church" and Fr. Perrault would never have told me not to wear clothes. He hit me on the left side of my face 3 times, slamming my head. Over the next few days my father tried to make amends to me for knocking me out. I never talked about it ever again. I wore my clothes from then on but Fr. Perrault still got me in the hallway or in the dressing room, many times.

Fr. Perrault would call my mother up and ask if he could pick me up and take me to Annunciation or St. Bernadette for mass. He would abuse me in the car and in the sacristies of those churches. He was very mean and forceful, he called me "his little boy" and he always had a smirk on his face after he ejaculated, and he was saying mass. I hate that man. It ended one day at Assumption when I stood up to him after mass and yelled at my mother that I was not going to be "his little boy" anymore. Fr. Perrault tried talking my mother into making me go with him but I was very angry and refused.

- 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 my Mother and Father that Fr. Perrault wanted me naked under my altar boy garments. They did not believe me. I wanted them to ask me more questions, but they didn't. In fact, my father beat me for telling him what little I did tell him. I told no one

else until I was an adult and I told my therapists over the years. I have told my wife, Anita, and my lawyers.

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

I became a Jehovah's Witness. I distrust priests and will never return to the Catholic Church. This was very hard on my Mother, Father and sister.

- 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.

No witnesses.

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)?

The sexual abuse by Fr. Perrault has impacted my entire life. I was confused, angry and felt hopeless and unable to defend myself from him. I did not understand how my mother did not see what he was doing to me. She delivered me to him. My father was an alcoholic who was abusive and Fr. Perrault knew that. My father used to go to confession to him. I think Fr. Perrault knew no one would protect me. Fr. Perrault told me not to tell anyone, he said he'd "mess me up really bad" if I told anyone. Fr. Perrault always asked me mother, the weak person in the household, if I could go with him. I think Fr. Perrault knew she would always say yes.

I have never felt as bad of physical pain as the first time he raped me in my rectum. Later I saw blood on my altar boy garment and then my underwear when I put them back on. I had to wash them myself and hide them, which I did other times too. I was ashamed, embarrassed and had many other feelings but had to hide them because off to say mass we went. After he abused me, he was not nice to me, but mean, which caused even more confusion. I have a lack of trust of people, had serious anger issues suffered depression

and PTSD. I abused alcohol and drugs for decades until I checked myself into Turquoise Lodge a few years ago. I was suicidal for many years, threatening my wife that I was going to jump out the car when it was on the highway -- I came very close to jumping a few times, even taking off my seatbelt and opening the car door. I did that 7 or 8 times. It has caused intimacy problems with my sexual relationship and emotional relationship with my wife. I am still in therapy trying to address these issues. Finally, it caused riff among the family. I today continue to feel that my mother should have known and saved me some how.

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

I am in counseling now with Dr. Clifford Morgan. I had alcohol and drug counseling at Turquoise Lodge.

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:

N/A

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: 4-12-2019

Signature: Daniel V. Bergs

Print Name: DANIEL V. BERGS

Relationship to Sexual Abuse Claimant: _____