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Proof of Claim form: John Doe 102B

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

JD102B

FILED
of 11:18 o'clock A M

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

MAY 31 2019

United States Bankruptcy Court
Albuquerque, New Mexico

In re:

Chapter 11

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

Case No. 18-13027-t11

Debtor.

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: _____

Print Name: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

_____ **#1** _____
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).

_____ **#2** _____
City State/Prov. Zip Code (Postal Code) Country(if other than U.S.A.)

Telephone No(s):
Home: _____ Work: _____ Cell: _____ **#2**

Email address: _____ **#2** _____

Social Security Number: _____ **#4** _____

If you are in jail or prison, your identification number: N/A

May we leave voicemails for you regarding your claim? Yes No (Please contact my attorneys)

May we send confidential information to your email: Yes No (Please contact my attorneys)

Birth Date: _____ **#2** _____ Male Female
Month Day Year

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

Tim

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?

I was sexually abused as a child by Fr. Michael O'Brien. He was only able to do so as a direct result of the wrongful conduct of the Archdiocese of Santa Fe and St. Gertrude's Parish, who empowered, protected and aided their agent.

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

I was an altar boy for O'Brien from 1982-1984.

- 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.

Most of the sexual abuse happened in the rectory at St. Gertrude's Parish in Mora, New Mexico, or at other locations in the Church or on Parish grounds.

- 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.

1982 is when it started, and it ended in 1984. Looking at a calendar and figuring my altar boy service schedule, there were 10-15 incidents per year, so a total of about 35-40 incidents.

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 8 years old when it started and 10 years old when it stopped.

- e. What happened (describe what happened):

Fr. O'Brien befriended and trained me as an altar boy. I was taught to be anally and orally raped as part of my special relationship with O'Brien, who was God on earth. I did not know it was "abuse". O'Brien performed anal sex on me multiple times, and made me perform oral sex on him multiple times. He mixed these acts with music and religious talk, and I was taught it was all very magical and mystical. I also didn't know he abused my brother #3 until December, 2018. I did not know why my mother sent me to live with a sister in Germany either. I think now she found out or suspected there was something inappropriate about the priest spending so much time alone with me, and such is the power of the Church and the priest over devout Catholics, that she moved me out of town until O'Brien was transferred, without telling anyone.

- 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)?

In September of 2018, I told my sister #3 a little bit about what happened to me. I told my attorney Brad Hall around the same time. I also told my spouse in October, 2018, my therapist in November, 2018, and my other sisters in December, 2018. I also told my brother in December, 2018, who was also a victim. I have not discussed any details of the abuse to anyone except my therapist and attorneys.

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

I was born and raised into the Archdiocese of Santa Fe in the area of Mora, New Mexico. I stopped going and believing in my late teens. I now attend a Christian Church, (Calvary), in Albuquerque, in an effort to rekindle a spiritual piece of my soul.

- 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.

I don't know if anyone else at the rectory saw what was being done to me as a child.

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)?

In my mid 40's, while taking a shower, I overheard the commentator on tv talking about childhood sexual abuse from priests in the Catholic Church. It was at that moment that my

whole world came crashing down. My stomach immediately became sick, I felt like I was going to throw up. It was then that I realized that I had been sexually molested by Father Michael O'Brien in my home town of Mora, NM, when I was a child. Certain memories came flooding into my mind. I'm now putting the pieces together as to why I am who I am. And I'm recognizing the devastation the abuse has left me with.

As a result of being sexually abused I was very promiscuous in my early years, having sex with whoever I could. At other times I thought sex was dirty, yet at the same time I felt if someone loved me I owed them sex. Life was so confusing. At this time in my life I have long periods of time where I don't want any sex at all and other times were I'm addicted to all forms of sex with women.

I have no feelings and no trust for anyone which leaves me feeling alone and isolated. I do not trust anyone, especially adult men, for as long back as I remember I have not trusted men. I feel everyone is conniving for their own benefit, I feel no one is sincere. I have an overwhelming need to please others. I can't say no to anything out of fear of losing them. I so badly want to feel normal with normal feelings but I feel like no matter what measures I take I'll never get there. I have no joy. I feel like I just go through the motions of life one day to the next.

At the young age of 9 where most kids were learning how to throw a ball, do Arithmetic, Punctuate a sentence, have their first crush I was being shipped off to Germany alone, without my family. My mom and dad shipped me off to another country!!!! They gave me an excuse of being unhappy with the school in Mora. I did not want to go to another home much less another country without my family . I felt abandoned, I felt I must have done something wrong, I was scared, I was angry, I was alone and I felt alone.

I can't let anyone hug me, I absolutely hate to be hugged!! My in laws hug all the time and as kind and nice as they are it makes my skin crawl when they hug me.

As a result of the trauma of the childhood sexual abuse at such a young age, I have suffered a lifetime of mental and emotional injuries. I was having trouble in school and my mom may have suspected something was inappropriate with the priest, and sent me to live with an older sister in Colorado and in Germany on a base, until O'Brien was transferred. No one ever said anything.

I didn't know what "abuse" was or "sex" was at 8-10 years old, and was very small. (See attached photo) I came back to Mora High School and graduated in 1991. I was constantly drinking alcohol from 1991 -1994, but never treated for it. The abuse has effected every aspect of my life, from my work and my relationships with my family to my ability to trust and to cope. My first marriage lasted five years (2006-11) but I couldn't trust her, or anyone around our kids. They are now 14 and 8, and it makes me sick to see how small and innocent an 8-10 year old is, as I was when the priest perverted everything holy and everything sexual, leaving me with

neither. I feel apathetic and uncommitted to everything and everyone. I don't let anyone get close to me, I have a lot of acquaintances but no friends, nor do I want any friends I hope therapy will help me find adult coping skills that help me, because I believe I will be forced to live with the effects as long as live. I'm just now beginning to make connections between the childhood abuse and some of the effects, in therapy, and assume I will be in therapy for the rest of my life, now that my 2018 "discovery triggers" came crashing into my life, causing me to get help. Years of anxiety and depression bouts and sleeplessness were covered up by stints in the #6 as a #6, and am now an #6 and supervisor. We were preparing to file an individual lawsuit after some therapy, when the Archdiocese filed their Chapter 11, and I was hopeful that therapy and litigation could help stimulate a recovery process, although I realize I cannot "recover" in the sense that it will never go away, but with professional help and more transparency, I hope for a future of being able to be more normal, and trusting, and less anxious and depressed.

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

I've seen #10 about 15 times, and we are beginning to make progress, in the sense that I'm beginning to understand connections between the abuse and the harms I've dealt with. I would like to continue therapy for the rest of my life. Please review the attached therapy records.

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: #1 Court: U.S. Bankruptcy Court

Date filed: #6 Case No. #6

Chapter: 7 11 12 13 Name of Trustee: #6

I am in the process of re-opening that case with my Bankruptcy attorney, who will then seek to re-close the case after things are handled correctly. I was unaware of any connection between the childhood sexual abuse of me as an 8-10 year old, and potential assets, because I did not realize I had a claim until 2018.

4. State whether you have previously commenced any lawsuit seeking damages for the identified sexual abuse. If yes, please state: NO

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: 3/21/19

Signature: _____ #1 _____

Print Name: _____

Relationship to Sexual Abuse Claimant: SELF.

#1

12-19-18

#10 discussed being sent away to stay with his sister in Germany when he was in middle school. #10 stated that his sister told him that he cried everyday for almost the entire year. #10 stated that his father became the principle of the school and his mother taught at the school that he had attended since he started school. #10 stated that years later he asked his mother why he was sent away, she told him that that the reason he was sent to live with his sister was because the school promoted someone besides his father and she was mad at the school and didn't want to support them. #10 stated that his younger brother was sent to a neighboring town to attend school. #10 stated that it doesn't make sense to him now that his mother would send him all the way to Germany to get back at the school.

#10 struggling with insights. #10 struggling with seeing his childhood through a different perspective.

P-Cont. Tx. Plan.

#10

#1

01-09-19

#10 reported that he suspects that the events that occurred in his childhood have caused him to be a person who doesn't trust others and is not friends with very many people. #10 stated that he questions why people have children when there are so many traumatic things that can happen to them. #10 stated that he has three girls and that if he waited until he was older he would have, more than likely, not have had them.

#10 struggling the effects of childhood trauma. #10 struggling with insights.

P-Cont. Tx. Plan.

#10

#1

02-13-19

#10 wife, who joined him in the session, stated that #10 does not trust anyone, does not want to spend with anyone outside of family. She stated that he has issues with not holding the children accountable and setting correct boundaries with them. She stated that he doesn't seek out things to do that he will enjoy, he doesn't seem to want to have any fun. #10 responded that wants to do the things that will be fun for her and that he feels like he is getting better at trying to enjoy himself.

#10 struggling with effects of past traumas. #10 struggling with lack of solid boundaries.

P-Cont, Tx. Plan.

#10

#8



#8



#8



#8

