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### Proof of Claim form: John Doe 104B

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## Proof of Claim form: John Doe 104B

### 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](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 104B

FILED  
at 4:27 o'clock P M

MAY 16 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

United States Bankruptcy Court  
Albuquerque, New Mexico

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: \_\_\_\_\_

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: \_\_\_\_\_

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 X Male  Female  
Month Day Year

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

\_\_\_\_\_ Toby \_\_\_\_\_

**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. Michael O'Brien, Fr. Gregory Tipton, and Deacon Karl all abused me as a child as a direct result of the wrongful conduct of their supervisors, and as agents for the Archbishop and St. Gertrude's Parish in Mora, N.M.

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

I was the altar server for these priests at S. Gertrude Parish.

- 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 took place at St. Gertrude Parish, in Mora New Mexico, and in Santa Fe, Glorieta, and Las Vegas, New Mexico in the area mission churches, rectories and sacristies. I was also sexually abused in cars while driving with O'Brien or Tipton.

- 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 in about 1983 by Fr. O'Brien and ended about 1985. Then Fr. Tipton and Deacon Karl abused me from about 1985 to 1987. The abuse was ongoing for four years and there were hundreds of abuse events over those four years.

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 about 8 years old when it started and 12 years old when it stopped.

- e. What happened (describe what happened):

It involved fondling, mutual masturbation, mutual oral, anal penetration of me, kissing, and being asked to watch pornography with them. O'Brien groomed me as an altar boy to be his sexual partner when I did not even know what sex was. He caused me to believe what I know now was "sex" was part of the duties of an altar boy, and then passed me on to Fr. Tipton for two more years of abuse. I was often asked to watch pornography with these priests, and attend parties where other priests were present in the rectories, and it seemed like they all had their "boys" with them.

- 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)?

The first person I told anyone about it was to my sister, #3 in late 2016, because of my mental and emotional problems reaching a point where it was suicide or get help. I told my brother #3 in 2018, and learned he was also a victim. I have also told my therapist and my attorneys in 2018.

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

I was born into this religion and raised Catholic.

- 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.

The three abusers are all I know of who witnessed some of my abuse. They are all presumed to be deceased.

**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)?

For me its been 25 years of daily emotional struggles and distress. I have suffered from depression and inexplicable and powerful anxiety, and intense fear of dark and enclosed

spaces. I've always had headaches and chronic PTSD-like symptoms such as the inability to have committed relationships, low self-esteem, emotional volatility, and deep mistrust of everyone. Intrusive flashbacks and memories haunt me, and I avoid people. I ended up a long distance truck driver as a result. In the process of unpacking the years of abuse in therapy I have experienced the return of vivid and horrid smells, sights, and the physical pains from the abuse. I am trying therapy hoping it provides some relief, and maybe can find new ways to cope, and reduce the symptoms. Please see the attached therapy summary.

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

From October 2017 to present I have been seeing #10 The therapy summary is attached.

**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

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: 3-19-2019

Signature: \_\_\_\_\_

**#1**

Print Name \_\_\_\_\_

Relationship to Sexual Abuse Claimant: \_\_\_\_\_

# #10

The following is confidential patient information. This information has been disclosed to you from records whose confidentiality is protected under Federal Law. Federal regulations prohibit you from making any further disclosure without the specific written consent of the person to whom it pertains or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose.

Date of Report 3/31/19

#1

# 2

**Therapy session dates and cost:**

To date, #1 has had 35 therapy sessions. He has not finished working through his Catholic clergy pedophiles sexual assaults and rapes (oral sex on a minor) and likely will need ongoing therapeutic support for life. Sessions are generally 54-60 minutes and billed at \$180 per hour.

# #10

# #10

## **Presenting issue:**

**#1** entered therapy to address his ongoing life and psychological issues resulting from sexual assaults and rapes by Catholic clergy pedophiles. He initially reported symptoms started about 8 years ago, however as therapy progressed it became apparent that symptoms have existed in various forms since the sexual assaults and rapes began in his childhood.

## **Mental Status:**

**#1** consistently is within normal limits on mental status elements with the exception of mood. He typically is depressed and/or anxious. While his overall memory is within normal limits, he has gaps for memories surrounding the traumatic sexual assault and rape situations and that timeframe of his life.

## **History of sexual assault and rape as revealed in treatment:**

**#1** initially remembered being sexually assaulted and raped (oral sex on a minor) by a Catholic clergy pedophile many times over minimally six months (at intake 10/25/17). As treatment progressed, other sexual assaults and rapes (oral sex on a minor) memories surfaced. New memories continued to surface as he worked in treatment and memories became clearer. He reported additional memories on 1/30/18. Initially, **#1** saw no faces. As he progressed in treatment, the face of his first Catholic clergy pedophile perpetrator became clear as well as the different face of the second Catholic clergy pedophile perpetrator.

Both Catholic clergy pedophiles sexually assaulted and raped (oral sex on a minor) him in various locations including: Glorieta, Santa Fe, Las Vegas, and Mora. He remembers one location being at the top of a staircase. He also remembers the rooms being dark and staring at the drapes as a way to survive his fear during the sexual assaults and rapes. Both Catholic clergy pedophiles forced him to watch pornography.

## **Summary of Symptoms and treatment:**

**#1** treatment interventions consisted of EMDR (Eye Movement Desensitization and Reprocessing), cognitive challenging and reframing, exploration of emotions, and exploration of relationships. Once **#1** had participated in low-risk EMDR and understood the EMDR process, he began EMDR on the sexual assaults and rapes by Catholic clergy pedophile.

His symptoms when starting therapy (10/25/17) exceeded the criteria for a diagnosis of Post-Traumatic Stress Disorder (PTSD) and were as follows: intrusive memories, flashbacks, anxiety, depression, trouble concentrating, distracted,

persistent thoughts of the sexual assault and rape, reliving the sexual assault and rape, significant psychological distress from cues similar to the sexual assault and rape, he avoids thinking about the sexual assault and rape, he has extreme feelings of guilt regarding the sexual assault and rape, symptoms have existed for years, symptoms cause significant interference/impairment in social and occupational settings. Client reports low energy and insomnia.

On 10/31/17, #1 described his self-acceptance as 8 or 9 on a scale of 0-100 (0= self-hate, 100=self-acceptance). Currently, he rates it as 0.

Upon starting treatment he reported only 4 people knew of his sexual assaults and rapes by Catholic clergy pedophiles (sister, ex-wife, current girlfriend, this writer, 10/31/17). He reported negative self-talk including shame and an inability to attend mass due to feelings of discomfort and lack of safety (10/31/17). To date, he still does not attend mass due to disgust with the diocese and Catholic clergy.

In November 2017, he was able to explore the impact of the sexual assaults and rapes on his relationships. He gained insight into his shame, and his tending to be victimized in dominant and cruel relationships such as with the mother of his children, and later his ex-wife. This tendency continues with women who seek to date him and their behaviors. He explored how he appears to have sabotaged his marriage because he was unaccustomed to a supportive and equitable relationship. He participated in EMDR therapy for traumatic memories of the sexual assaults and rapes by Catholic clergy pedophile, and the two one-night affairs, which resulted in the end of his marriage. He explored how the power and abuse by Catholic clergy pedophiles was similar to the abuse by others throughout his adult relationships.

On November 28, 2017, he continued to explore his memories of the sexual assaults and rapes by Catholic clergy pedophiles. Client reviewed his failed adult relationships and his self-hatred.

During February and March 2018, #1 participated in EMDR to reduce his traumatic symptoms surrounding the sexual assaults and rapes. In April 2018, #1 felt he had improved and was at a point to take a break from therapy. #1 returned to therapy in July 2018 at which time he reported fewer memories of sexual assaults and rapes by Catholic clergy pedophiles. The memories however started to escalate with media coverage of more Catholic clergy sexual assaults and rapes (8/28/18) and the church not addressing the situation.

#1 was especially depressed on 12/11/18 by his memories of the sexual assaults and rapes by Catholic clergy pedophiles. His anger increased by 12/27/18 fed by his shame and humiliation (1/11/19). On 1/12/19, he decided that he physical symptoms were excessive and he sought assistance from his primary provider. His personal isolation increased in January (1/15/19) and medication for his depression was discussed (2/7/19). However, due to the nature of his

employment (commercial trucking business), he decided against medication for his depression.

As of 3/26/19, symptom reassessment following additional memories of greater intensity and clarity, including those of a second Catholic clergy pedophile are as follows and exceed the required diagnostic criteria for Post-Traumatic Stress Disorder (PTSD): recurrent intrusive memories, dreams that are distressing of the event at least three times a week, feels like his heart is hurting from the pain of it, recurrent flashbacks, memory gaps for his not able to remember aspects of the sexual assault and rape or events during that timeframe, additionally he reports intrusive flashbacks which at times, cause him to leave places or curl up in his bed. He avoids stimuli associated with events such as no longer attending church. He has improved in that he can now drive past a church without negative symptoms. He reports negative beliefs about women and dating, and sees no hope for a future relationship, in spite of the fact that he desires one. He blames himself and he does not feel he is able to explore her love or happiness. Additionally, he reports anger outbursts, problems concentrating, sleep disturbances, distrust during social events (which he avoids), being edgy during his work hours, and depression.

Summary:

#1 was the victim of multiple ongoing sexual assaults and rapes (oral sex on a minor) by at least two Catholic clergy pedophiles. He suffers from severe Post-Traumatic Stress Disorder as a result. While he has seen improvements at times from treatment, he currently is worsening as additional memories invade his daily life. He has a history of failed relationships likely stemming from the sexual assaults and rapes he experienced by Catholic clergy pedophiles as a child. He has not been able to maintain a significant relationship or dated anyone for a length of time since entering therapy approximately 1.5 years ago. He needs as intensive treatment as his work schedule permits for the foreseeable future. When symptoms remit, he likely will need treatment throughout his life as new issues arise surrounding his life experiences and the childhood sexual assaults and rapes by Catholic clergy.

Submitted by:

#10