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Proof of Claim form: John Doe 112B

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Proof of Claim form: John Doe 112B

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

EXHIBIT A

JD 112B

May 20, 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

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

#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

May we send confidential information to your email: Yes No

Birth Date: _____ #2 Male Female
Month Day Year

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. James Porter sexually abused me. The Archdiocese of Santa Fe, Our Lady of Perpetual Help parish in Truth or Consequences, New Mexico, the Archdiocese of Santa Fe and the Servants of the Paraclete all employed and empowered Fr. James Porter to abuse me and all failed to protect me from Fr. Porter, who they knew was a pedophile priest.

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

Fr. Porter took over Our Lady of Perpetual Help parish when Fr. Miles went on vacation. My mother and family were very devout Catholics and we spent a lot of time at church.

- 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 the rectory of the church in Fr. Porter's bedroom, on his bed.

- 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 occurred over the summer of 1969. It was three (3) times.

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 11 or 12 years old. My birthday was in the middle of it.

e. What happened (describe what happened):

My family just moved to T or C, New Mexico. We joined Our Lady of Perpetual Help Church. We were devout Catholics. I was in the Church choir and I rang the church bell. It was summer and Fr. Porter came to the church when Fr. Miles went on vacation. I was not an altar boy because he just moved there but I hung around the church a lot and knew the altar boys.

Fr. Porter asked my mother if I could go with him and other boys to swim in the lake. He was very nice to me before this and my family was very happy and very proud that he took an interest in me. Other boys were also going to the lake with Fr. Porter but he picked me up first. He said we had to go to the rectory to get towels. I had only my swim trunks on. We went into the rectory into Fr. Porter's bedroom. Suddenly, he leaned his body onto me, pushing me onto the bed, stomach down. He pulled my swim trunks down and took his off. He held me down on the bed with his weight. He was heavy and forceful. He rubbed his penis on my bottom and asked me: "Do you like it this way or that way?" I had no other choice. I could not move. I did not answer. I was scared and did not know what to do. I couldn't move and he stuck the head of his penis in my anus. Then he got up and got the towels. We got the towels and left to pick up the other boys and to go swimming.

The second time was like the first time. Fr. Porter picked me up first to go swimming. We went back to the rectory to the towels and he pushed me onto the bed again, on my stomach and did the same thing. He stuck the head of his penis in my anus again. And then we went to pick up the other boys and go swimming.

The third time we were going to go camping in the mountains near Cuchillo and Winston. He picked me up first and we went to the rectory to get the small bus we were taking to the mountains and pick up his camping gear. He did the same thing to me in his bedroom, pulling my shorts down, forcing me onto my stomach on the bed and putting the head of his penis into my anus. We got into the bus and picked up the other boys. When we drove through Cuchillo I saw my father's truck parked outside of a store and I yelled at Fr. Porter to stop the bus and he did. I jumped off the bus and was shaking and crying. I ran to my father and he took me home. I did not go on the camping trip. I avoided Fr. Porter after that and he left the parish.

I was too ashamed and scared to tell my parents what happened. I don't know why I kept going back. We were very poor and Fr. Porter was nice to me except when he was not in his bedroom. I was very confusing.

- 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 several people about the abuse. I told my brother #3 and my girlfriend, but not at the time, as an adult. I told no one at the time.

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

I used to be Catholic and loved being Catholic until Fr. Porter stole that from me. I lost my faith after he abuse me. Why would God let Fr. Porter do that to me? I have not returned to any religion.

- 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)?

This has impacted my entire life. After Fr. Porter, was angry and got into fights. I was not like that before. I abused alcohol and drugs, got involved in crime as a juvenile and spent 6 years in prison. I am only now feeling in control of my life with a steady job I enjoy and a home. I had intimacy problems with women my whole life, anger issues, which I now believe were misdirected because I was angry at Fr. Porter. My mother is still alive and is still a devout Catholic. I lost my faith in God and Catholicism and do not go to church anymore.

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

No counseling.

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: N/A

b. The parties to the lawsuit: _____

c. The case number if any: _____

d. The result of the lawsuit: _____

*planning to sue
servants of
Parade
mid-May, 2019*

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: 4-1-2019

Signature: #1 _____

Print Name _____

Relationship to Sexual Abuse Claimant: _____