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Proof of Claim form: John Doe 140B

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.childhelphotline.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/40B

FILED
at 4:23 o'clock P M

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

MAY 16 2019

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

#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 _____

If you are in jail or prison, your identification number: Not applicable

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. Roger Martinez and Fr. Jose Rodriguez were the priests who abused me. St. Thomas parish in Abiqui, and the Archdiocese of Santa Fe employed and empowered these priests to sexually abuse me.

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

Fr. Martinez was the parish priest when it firsts began as an altar boy. I was in the choir, in addition to being an altar boy. I was also a reader because I could read Spanish so I was taken to the Mission Churches a lot. I also volunteered at the church all the time. I was always at the church whenever I could be. Fr. Rodriguez came afterwards, replacing Fr. Martinez.

- 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.

When he abused me at St. Thomas, the abuse by Fr. Martinez took place in the church, in the sacristy, in the rectory and anywhere Fr. Martinez could get me alone at St. Thomas. It also occurred a lot at the Mission Churches at Gallina, Coyote, Youngsville, Mesa de Poleo, and Canones, at Ghost Ranch. It also occurred in Fr. Martinez' Ford Ranger truck (it had a camper shell) and it happened when there was an overnight retreat at #5 .

The abuse by Fr. Rodriguez was in the choir area, church and rectory of St. Thomas.

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 1985 when Fr. Martinez arrived at St. Thomas. It continued with him the entire time he was at the church, ending in I believe 1989. Then Fr. Rodriguez came in 1990 and he started abusing me until he left St. Thomas in 1991, it was constant. I was abused by Fr. Martinez so many times it was 5 to 6 times per month for three years, so that would be more than a 150 times. Fr. Rodriguez abused me for a year, more than 20 but less than 30 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 9 years old when it began with Fr. Martinez, he left when I was 13 and then Fr. Rodriguez abused me until I was 15.

e. What happened (describe what happened):

Fr. Martinez trained me to be an altar boy at St. Thomas the Apostle church. My family was very Catholic so they were very proud of me. I was very involved in the church in other ways. I was a reader because I could read in Spanish which was important to the Mission churches we went to. I was always around the church volunteering for stuff. My parents always worked and this was a place to be.

I loved being an altar boy until Fr. Martinez started doing things to me. He started by being very nice to me. He told me he loved me and I really thought that he loved me. My family was very proud that he like me so much. They worked full time at #6 #6 and I had nowhere to hang out so I hung out at the church all the time. Then Fr. Martinez started hugging and touching me in my genital area when he was hugging me. He began to give me wine sometimes after mass and in the rectory and I had never had wine before so it made me dizzy. Later, when we went to the Mission churches and I was older, he gave me whiskey. I had already acquired a taste for alcohol because of him. There are so many times I do not remember what happened because of the wine and whiskey, at first, I would come around and not have my underwear on. At first he made me lay down on his lap and he did things to my private area, my rectum. I remember this was very painful. Then it became more regular and he was less affectionate with me. He would ask me to go with him to the Mission churches because I could read in Spanish and be the altar boy. He would put his penis in my anus forcing himself into me in all kinds of places – bending me over on tables, chairs, counter tops, the dresser where the altar clothes were. He was always crossing himself and making his fingers into a cross and kissing them after he crossed himself. He would always tell me a story about a man and a horse, but the

horse was supposed to be the man's penis. I never understood it. He told me never to tell anyone that this is what we do and I thought he was doing it to everyone, so then I felt jealous.

He kissed me on my forehead and around my ear and on the back of my head and he would whisper in my ear things like "go get ready" or "go to the Sacristy and wait for me." He would do that when people were around us! He told me I was his "special assistant." There was always alcohol on his breath. Fr. Martinez was my entire life the whole time he was there. And he was abusing me the entire time he was there. "I was taken from me by him."

Fr. Rodriguez almost knew when he arrived that could abuse me. He would always get me alone after choir practice. He would come up from behind me and say he was giving me a singing lesson. Then he would put his left hand down the front of my pants and grab my genitals and put his right hand in the back of my pants and grab my ass and lift them both up and squeeze them both and tell my singing voice came from good posture. It was very painful and he was very mean and forceful when he did it. Fr. Rodriguez was also almost always drunk. I could smell the alcohol on his breath on my neck. He would push his body into my while he had his hands in my pants and grind on my back, forcefully.

- 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 sister, who is now deceased, at the time. She told me I made that up and was lying. My parents worked all the time and she took care of me. I think she didn't want to get in trouble. I didn't tell anyone else for 23 years.

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

I remain Catholic but only for my family to see. My wife and family are very devout Catholics so I cannot share this with them. I distrust priests and lost my faith in the Catholic 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.

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)?

I had problems my whole life because of what Fr. Martinez and Fr. Rodriguez did to me when I was a small boy. These men took my life from me. I thought Fr. Martinez loved me and that I was special. What he did to me was painful physically, emotionally and spiritually. After a while, I started to have to go to the bathroom a lot. It was very noticeable to people that I had a bathroom problem. This was a problem in school. I told no one why – that Fr. Martinez made my rectum bleed, and used me like a girl. I was ashamed and embarrassed and didn't like it but it was so confusing because he was kissing me and being nice to me the rest of the time and telling me what we were doing was good.

At school, I didn't want to change my clothes or take a shower in the locker room for gym class. I was ashamed and embarrassed because I thought the other boys would know what Fr. Martinez was doing to me; that they might see it on me somehow. I didn't know in Jr. High School whether I was supposed to like girls or like boys, it was so confusing.

I started abusing alcohol very young because Fr. Martinez gave me my first alcohol and gave it to me regularly. I could handle it after it made me dizzy and sick at first. He always smelled like alcohol and sweat, and after he abused me, the smell of semen – God, I hate that smell to this day. I realized the alcohol it made the pain go away when he was abusing me. I abused alcohol and drugs most of my life, starting in middle school. I got angry at Fr. Martinez and directed that anger to anyone and everyone. I set a locker on fire at school with the lighters Fr. Martinez gave me and got expelled from school. I thought about suicide a lot as a teenager, but never tried it.

I have intimacy problems with my wife and children. I feel shame still in sexual activity. I had to maintain and never tell my wife because it would destroy her faith and she would then be like me, with faith destroyed. So I have lived a lie about church. I have to pretend to not hate the priests at church because my wife, children and in-laws are super Catholic. It eats up my insides. It makes me angry still. I believe I have physical illness because of what the priests did to me.

Fr. Rodriguez made me feel confused with my gender. He acted like I was gay and that is why he did what he did to me. I hated him and his stinking alcohol breath. He made me feel powerless but I let him so that made me very angry but I never directed it at him but at others like my family and at school. Fr. Rodriguez was not affectionate like Fr. Martinez was at first. Fr. Rodriguez was just violent and mean.

I cannot stop all the thoughts I keep having now, and the nightmares now that I have told my lawyer about the abuse. I have told no one else but can't stop the flood of thoughts now. My wife will now if I go to counseling, but I might try to sneak it because my lawyer tells me I need therapeutic help.

I feel many of my current medical conditions are related to the life long stress I have had not realizing that my many problems are related to what Fr. Martinez and Fr. Rodriguez did to me.

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:

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: 4-23-19

Signature: _____

#1

Print Name: _____

Relationship to Sexual Abuse Claimant: _____