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Proof of Claim form: John Doe 176B

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Proof of Claim form: John Doe 176B

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

JD174 B

FILED
at 11:29 o'clock A M

JUN 17 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

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: _____

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. Ruben Garcia and everyone from the Archdiocese of Santa Fe who enabled and empowered him to abuse children in New Mexico.

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

Catholic Priest.

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 sexual abuse from Fr. Garcia took place at the rectory of Our Lady of Guadalupe Parish in Albuquerque, and in rooms at the #5 Hotel on #5

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 took place over the course of a couple months in 1973. There was one incident of sexual abuse at the rectory, and three or four incidents of sexual abuse at rooms at the Sheraton.

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 thirteen years old, heading toward my 14th birthday in December.

e. What happened (describe what happened):

I don't know exactly how Fr. Garcia came to Our Lady of Guadalupe Parish, and I remember he didn't stay long. He was performing a homily one Sunday, and after the Mass he came up to me and my family and began chatting with us. He said that he had noticed

me staring at him during the Mass and the homily, and said I was a good Catholic for paying such close attention in Church. This made my parents proud, and gave Fr. Garcia future access to me. My dad worked a lot – went to work in the morning, then came home late in the evening and watched TV. He didn't interact with me much, and I didn't have much of a relationship with him, and I think my mom was eager for me to spend time with a healthy role model like a priest.

Fr. Garcia started coming over to our house to visit. He would ask my mother if he could take me to get some food, or take me to the rectory to listen to rock music, or to the new #5 to swim. She would usually be happy to let him take me.

Sexual abuse occurred at the rectory and at the rooms at the #5. There were about four or five incidents total: one at the rectory, and the rest at the Sheraton. The abuse unfolded the same way: Fr. Garcia would want me to bathe, and would sexually fondle me in the bathtub. After bathing me, Fr. Garcia would give me sexual massages that ended with him masturbating me with some kind of vibrating device, then performing oral sex on me until I ejaculated. While performing oral sex on me, he would rub and press my anus with his fingers.

These incidents stopped when Fr. Garcia abruptly left or was transferred from our parish – I don't know exactly what happened to him or where he went after that, but he did send me some letters from Las Vegas, NM, and from Idaho a couple times. I know he came back to OLG in Albuquerque for another brief stint a few years later. No abuse occurred when he came back.

- 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 good friend #3) in the summer of 2018. I told my attorney Levi Monagle in June 2019. I have not told anyone else, including my wife.

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

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.

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 have had trust and insecurity issues around other men all of my life – particularly regarding male authority figures. Being in the presence of a male authority figure causes me serious anxiety and stress. I have also suffered from feelings of severe guilt and shame – wondering what I did wrong, why I didn’t fight, why I was singled out, what I did to bring this on myself. Intrusive thoughts of the abuse sometimes invade my sleep if I don’t take sleeping pills. I have had serious and prolonged bouts of alcohol addiction and dependency over the years, and my heavy drinking began in 10th grade (shortly after Fr. Garcia abused me). Finally, the sexual abuse has made sexual intimacy with my wife a very difficult thing. We were married in 1982, but sexual intimacy has always been very difficult for me and has placed serious strain on our marriage. Certain sexual feelings and acts create sharp flashbacks/associations with Fr. Garcia’s sexual abuses, which disturbs and distracts me and rips me out of the moment so that I cannot be sexually present with my wife. Then I feel more guilt, and more shame, and more insecurity. I want to talk to her about it, but she is still a strong Catholic – very pro-priest and pro-Church – and I am afraid she won’t believe me, or will have scorn for me. So I have stayed silent, and the secret has persisted and eaten away at both of us for over thirty-five years.

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

No counseling, therapy, or treatment – I have never disclosed the abuse to any medical or mental health professional of any kind. I have been too ashamed to do so.

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:

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: July 15 2019

Signatur

#1

Print Na

Relationship to Sexual Abuse Claimant: SELF