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Proof of Claim form: John Doe 179B

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Proof of Claim form: John Doe 179B

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

J0199B

FILED
at 4:01 o'clock P.M.

JUN 17 2019

United States Bankruptcy Court
Albuquerque, New Mexico

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

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 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 by a man I thought was referred to as a Deacon. He was wearing the robe that the Franciscans wore at our parish Holy Family, in Albuquerque. I am told he may have been just ordained so he was a "transitional Deacon" but I am not sure. I can describe him in great detail and would recognize his picture if I ever saw it. He was tall, very quiet, had thick coke bottle glasses and very bad acne scars on his face. This Deacon and/or Franciscan was employed and empowered to abuse me by the Archdiocese of Santa Fe and the Franciscan Friars, St. John the Province or Our Lady of Guadalupe Provinces. I will refer to the person who abused me as "the Deacon" for lack of greater information as to who he actually was.

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

The Deacon worked at Holy Family parish. He used to help the priests with mass and would do sermons, give communion and other stuff when the priest was not available. I was in training to be an altar boy. My family, especially my mother was very active in the parish. I was working at the parish putting new pads in the coolers when it happened.

- 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 in a class room in a building behind the church. The building is no longer standing, it was torn down some time ago.

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 in the early summer of 1980. It happened one time.

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 years old finished 6th grade – in the summer before beginning 7th grade.

e. What happened (describe what happened):

I was at the church working. The pastor, Fr. Lorenzo Ruiz, used to pay me and my friend to do yard work and maintenance work around the parish property. My friend was pulling on a hose when he lost his balance and fell off of a roof, breaking his arm. After he was taken to the emergency room, I was working alone on the coolers.

Fr. Ruiz came to talk to me and when we were talking, he noticed a scratch I had on my arm. He asked me if I did drugs. I told him I did not but what he was seeing was just a deep scratch. He then told me to come with him. I went with him. He brought me to the building behind the church. We went in and into a classroom. It was empty except the Deacon was waiting in there. Fr. Ruiz looked at the Deacon and nodded to him, like he was delivering me to him.

The Deacon had me stand in front of him. He took my shirt off and then pulled my pants and underwear down to my ankles. He then started touching me all over my private area, groping me all over my genitals. Then he masturbated me cupping my genitals from behind and up front. One hand behind me at my anus, the other hand messaging my penis. He kept his clothing on while he was doing this to me. He was so close I can still see his acne scared face to this day – and smell him. He was behind me and in front of me doing these things to me. He penetrated my anus. I was so scared and did not know what was going on. I do not remember how long I was there or even how I left. I remember shaking very bad – like I could not stop shaking. I was in a daze and went home.

- 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 did not tell anyone about what happened. I never told my parents especially because I did not want to hurt them. I told my wife, who is now deceased and I have now told my lawyers.

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

I attended a Christian church periodically only for my wife and son. I refused to permit my son to go anywhere near a 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.

I believe that Fr. Ruiz knew what was going on and he participated in it by delivering me to the Deacon.

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)?

The sexual abuse by the Deacon shattered my life. I was a confident young man and everything changed after that. I became embarrassed, ashamed and confused. I had night mares and could not get out of my head what the Deacon did to me. It was PTSD but I did not realize that until recently.

The next Sunday, I refused to get out of the car to go into mass and was crying. My parents let me stay in the car. The next week I refused to go again. My father finally said it was

my decision not to go and I never went to mass again -- other than as an adult at funerals and weddings. The most painful thing was being at that church for my father's funeral.

I seriously questioned my sexuality. I feared I may have been gay and that is why Fr. Ruiz and the Deacon chose me. The whole "gay thing" has been in the back of my mind my whole life. This has impacted my marriage, my intimacy with my wife. How can you engage in loving relations when you question your own sexuality all the time?

I started to drink shortly after the abuse. It wasn't just drinking, it was abusing alcohol. I became an alcoholic and drank until 6 years ago when I finally quit.

I suffer sever anxiety and have been on many medications to address it. I am currently on Xanax and Buspirone. It is so sever I have had to go to the hospital with panic attacks. I understand from anxiety is tied to a lack of feeling of control and I felt that way ever since the abuse. The Deacon controlled and hurt me and I couldn't do anything about it.

I have been diagnosed as having PTSD, which has recently now that I am permitting myself to think about the abuse, is messing with my life. I don't know why but thoughts of the Deacon come to me randomly, I'm having nightmares again too. I have been on many sleeping medications to help me not have nightmares.

I lost my religion and this caused great grief and friction in my family. No one understood why I did not want to go to Church. My son children lost out on being raised in the religion of their family. I would never let my son alone with anyone. I was overly protective of him and this caused resentment from him. He sensed my dis-trust of people and especially of priests.

Not having a religion or spirituality is lonely. This is how my entire life has been impacted by the Deacon, the Catholic Church and the Franciscans.

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

Counseling but mainly for managing my anxiety medically.

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: X

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:

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: 6-17-19

Signature: #1 _____

Print Name _____

Relationship to Sexual Abuse Claimant: SELF