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Proof of Claim form: John Doe 95B

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

JD95B

FILED
at 3:12 o'clock P M

JUN 07 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 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 _____ 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. Terry Brennan, a priest empowered and protected by the Archdiocese of Santa Fe and the San Juan Bautista Parish in Ohkay Owingeh, NM.

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

Fr. Terry Brennan was my priest, my spiritual advisor, my confessor, and my counselor, and also my employer when I was a youth minister at San Juan 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.

Incidents of sexual misconduct by Fr. Brennan occurred at the San Juan rectory, and a room above the Parish Hall. There were a couple incidents at Fr. Brennan's sister's house, which we visited on a trip to visit a campus in Steubenville, Ohio. There were incidents when I was studying abroad in Austria – in hotels during a road trip through Spain and France – as well as on a two week trip to Israel.

- 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 sexual misconduct by Fr. Brennan began in May 2009, and escalated over the fall of 2009, and continued periodically until December 2010. There were 15-20 incidents where Fr. Brenna engaged in sexual activity with me, despite the fact that

I was completely vulnerable and psychologically dependent on him as my priest, spiritual advisor, confessor, counselor, and employer.

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 19 years old when Fr. Brennan began taking advantage of me sexually, and I was 21 when it ended. I was in college.

- e. What happened (describe what happened):

I was raised by a deeply Catholic family in a deeply Catholic community. By the time I was 18, I was also painfully confused about my sexuality. I had grown up in Espanola New Mexico, attending Santa Cruz Parish. In many ways Espanola is a small town, and it is a conservative community. Therefore, I was compelled to keep quiet about who I was, and I wasn't exposed to adults who were willing to openly discuss and guide me through what I was going through. That is why I chose to go to confession at San Juan Bautista Parish in Ohkay Owingeh, New Mexico (which is a few miles north of Espanola). I met Fr. Brennan at San Juan.

Fr Brennan was very charismatic, and I soon came to trust him and confide in him. In confession and in counseling sessions he provided, I disclosed my deep confusion regarding my sexuality. Fr. Brennan gave me counseling on a regular basis. I was also going to confession weekly, or more. Counseling on these issues occupied a great deal of my time there at Ohkay Owingeh, while I also became more involved in the parish. Around December 2008 Fr Brennan hired me to be a youth minister at San Juan Parish, and as his employee I continued to receive counseling from him regularly. He also began inviting me to his rectory for dinner on a regular basis.

In May 2009 Fr. Brennan began giving me back massages. I felt deeply dependent on him for spiritual guidance at this point, so I thought nothing of it, and trusted him. Soon, however, the massages he gave me became more sensual, and he had me undress and used oils on my skin and so on. By September of 2009 he began performing sexual acts on me in the context of the massages. When he would do these things, I would be frozen in place and unsure of what to do. Given the power dynamics and my dependency on his guidance and counsel, I felt as if I needed to make him happy even though I did not like what he was doing to me.

Fr. Brennan took things further, and went from masturbation and oral sex and (on two incidents) anal penetration (once with his penis and once with his finger). I felt that I could not deny the priest, who was my spiritual leader and employer. He had helped me work through my feelings up to the that point and I felt as if I had to let him do these things in return. When he finished, he would often apologize because it was obvious to him that I was devastated by the sexual activity. He once asked me to forgive him for using me for

his sexual pleasure. He said that he was a lawyer before he became a priest, and that as a lawyer he had condemned and pursued priests for engaging in this sort of behavior – and now he was doing the same thing with me. I believe his regret was sincere, but he continued using me for sex while I was still in a dependent counseling relationship with him. Through these occurrences I would say I began to depend on him even more psychologically and emotionally. I suppose this is what he wanted.

At Fr. Brennan’s recommendation, I began studying theology in Steubenville Ohio, and Fr. Brennan supported me financially as I attended college there. I was a wreck emotionally, and did not want to talk to him anymore, but I was completely dependent on him. There were a couple times where I tried to talk to Fr. Brennan via webchat, and the interactions somehow ended with him masturbating and having me masturbate as well. I felt especially terrible after these episodes.

His apologies after engaging in sexual activity with me became less frequent. I was able to join a study-abroad program that had me in Austria for the fall semester in 2010. Fr. Brennan came to visit me for 2 weeks in Europe, and there were numerous sexual episodes in various hotels as we took a road trip across Spain and France. I felt sick about everything that was going on, but I did not know how to say “no” to him. I was extremely relieved when he we parted ways in Lourdes, France. We did not part on good terms. I was beginning to realize by now Fr. Brennan was a troubled man, and I was also deeply troubled by the way a relationship of trust and guidance had deteriorated into a sexual relationship.

I finished my degree in Steubenville in August 2011. When I returned to New Mexico I tried to avoid personal face-to-face meetings with Fr. Brennan, but still communicated with him from time to time. I called the Archdiocese of Santa Fe in early 2011, and talked to Annette Klimka. She was very cold on the phone and only wanted to know the name of the priest. Based on her response to me I did not tell her. I think Fr. Brennan eventually realized I was very disturbed by everything that had happened, and all communications between us eventually tapered off and ceased.

- 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)?

In 2011, after I returned from Europe, I told Fr. #10 in confession at #6 about what was happening, but he did not believe me. I then reached out to Fr. Brian at #6 and he was more sympathetic. He arranged for a teleconference with Annette Klimka, and in that teleconference I tried to tell Ms. Klimka about the abuse as well. She was not helpful. She did not seem remotely concerned for my wellbeing, but only wanted to know the name of the priest. I didn’t tell any of these people Fr. Brennan’s name. I was looking for help but did not get any.

I told my ex-husband in 2014, within the first year that we were dating. I have otherwise only told my attorneys, in May 2019.

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

I have been part of the Catholic church all my life.

- 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.

There were not any witnesses to the sexual activity from Fr. Brennan, although Fr. Denis Kaggwa may have witnessed Fr. Brennan giving me massages at the rectory.

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 cannot get myself to participate in the life of the Church any more. It used to be the most important aspect of my life. I attended daily Mass, frequented Eucharistic adoration and even wanted to be a priest before I met Fr. Brennan. (In 2008 I went to the seminary to try but left after a short period). Fr. Brennan completely destroyed that aspect of my life. Now any time I enter a church I think of those incidents and am skeptical of any priest behind the podium. It gives me too much anxiety so I avoid church for that reason, even though I still believe. That's the hard part about it. I can't participate in something I still believe in because it gives me too much mental anguish and I don't feel I can trust anyone within it.

Fr. Brennan took advantage of my trust in him, and took advantage of my confused and burgeoning sexuality (which he learned through my confession and my confiding in him as a counselor). He took advantage of my fear and vulnerability. He used the power of his position and the power he established in our relationship to gratify his sexual desires at my expense emotionally and psychologically. I was a very vulnerable young man struggling to come to terms with the fact that I was a gay Catholic. Fr. Brennan made it seem safe to tell him things that I wasn't able to tell anyone else, and manipulated the situation to extract sexual acquiescence from me for an extended period of time.

I came to conflate my sexuality and sexual identity with Fr. Brennan's brand of secretive, guilt-ridden, no-strings-attached sex. After I broke free from Fr. Brennan, I replayed this sexual pattern for several years, pursuing empty guilt-ridden sexual encounters, and hating myself afterwards. I was addicted to meaningless sex, as that is how Fr. Brennan established my sexual framework.

Eventually, I got married. With my ability to trust destroyed by Fr. Brennan, and my psychological issues regarding sex, my husband and I permanently separated before long. I have struggled with depression ever since Fr. Brennan started abusing me. There have been times where I seriously considered ending my life. My suicidal feelings were most severe in college, where I had a mental breakdown. I wanted to end my life and I thought about it daily – but thankfully, since I have a loving family, I could not do that to them. Because of that breakdown, I ruined a lot of friendships by distancing myself from my friends. I was able to finish my degree despite the turmoil but it was not easy. It still bothers me today and sometimes makes me feel obsessive-compulsive, unable to focus, unable to do anything productive – stuck in a cycle of constant rumination on a shameful chapter of my past. I struggle with these issues in my current job, and I struggle with trust issues to this day.

I am unsure just how much the abuse has been the underlying cause of my internal struggles and self-esteem problems as an adult but I am beginning to piece it together. I hope that this process ends up being a constructive way to cope. I know I need counseling, but it will be difficult to trust any counselor after what I went through with Fr. Brennan.

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

I have not had any counseling on these issues, as it is extremely difficult for me to trust a counselor after what I went through with Fr. Brennan.

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: 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: 5-29-19

Signature: **#1** _____

Print Name _____

Relationship to Sexual Abuse Claimant: _____