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Proof of Claim form: Phillip B. Shamas (JD150B)

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Proof of Claim form: Phillip B. Shamas (JD150B)

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

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

JD 150
FILED
at 11:21 o'clock AM
MAY 28 2019

In re:

ROMAN CATHOLIC CHURCH OF THE
ARCHDIOCESE OF SANTA FE, a New Mexico
corporation sole,

Debtor.

Chapter 11

United States Bankruptcy Court
Albuquerque, New Mexico

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?

I was a victim of childhood sexual abuse by: Fr. Finbar (Barry) Coyle, a Franciscan with the St. John the Baptist Province who was employed and empowered by the Cathedral Basilica, the Archdiocese of Santa Fe and the Franciscans.

I was sexually abused by Br. Thomas Falls and Br. John, both with the Brothers of the Good Shepherd.

I was also sexually abused by Fr. Donald Starkey, who was employed and empowered by the Archdiocese of Santa Fe and Our Lady of Fatima parish.

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

Fr. Coyle was the Vocation Director with the Franciscans, and I was an aspiring seminarian as a 12 and 13 year old.

Br. Thomas Falls and Br. John were co-workers in the Order of Brothers of the Good Shepherd. Br. Thomas Falls was put in charge of me as a Director of Postulants.

Fr. Starkey was my parish priest and my confessor, at Our Lady of Fatima.

- 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.

Fr. Coyle abused me: in a motel room in Roswell, at a retreat for recruits at the Benedictine Monastery in Pecos, and in his car.

Br. Thomas and Br. John abused me at the Good Shepherd Luther House and Handicap House in Albuquerque New Mexico.

Fr. Starkey abused me at the rectory of the Our Lady of Fatima Parish in Albuquerque.

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.

Fr. Coyle raped me 4 times between 1968 and 1969.

Br. Tom and Br. John abused me between 1969 and 1970. Br. John raped me one time, and Br. Tom abused me approximately 60 times.

Fr. Starkey abused me one time in 1970.

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.

The four men sexually abused me between age 12 and age 14.

e. What happened (describe what happened):

When I was 12, I wanted to grow up and be a Catholic priest. My parents let me spend significant time with Fr. Coyle, as Vocations Director for the Franciscans. Fr. Lambert introduced me to Coyle, and he befriended me. I went back to Catholic School for 7th grade, at St. Peter's in Roswell. Fr. Coyle was stationed at St. Francis Cathedral in Santa Fe. He started grooming me in Roswell, and fondling me. He came to Roswell and got a motel where he raped me anally. He took me to Pecos to a retreat about 4 months later, and he made it seem very special to be able to ride with him. He was very affectionate and unzipped my pants and fondled me while driving. He told me not to say anything about it. On the return drive from Pecos he made me give him oral sex while driving. Somehow it was understood that I had to do it.

Br. Phillip Maurice was my novitiate name as a member of the Order of the Good Shepherd. I was at mass at Immaculate Conception in Albuquerque when I saw a poster on the bulletin board about the Brothers, and I walked to 13th and Mountain to their "mother house". I ended up applying and was taken by Br. Thomas who was assigned by Br. Mathias to be my Postulate Director, guide, and mentor. He ended up abusing me around 60 times over a period of a few months, every night, and sometimes during the day. This included mutual masturbation, mutual oral, and he anally penetrated me. In retrospect, he had no interest in helping me meet my goals.

When Br. Thomas and I were at the Handicap House one time, Br. Thomas had me go into the bedroom to get something, and Br. John followed me in and ripped his tunic and hood off and violently pinned me down and anally raped me. I fought him, but he over powered me as I was a 13 year old and he was a grown man. Br. Mathias then found out I was a

raped boy and made me leave the order soon after. I heard from friends that he was very upset by it all and ran off Br. Thomas and Br. John after that, and I never saw them again.

In the summer of 1970 I was staying with my Grandma for a few weeks, when Fr. Starkey asked to take me to a movie. My Grandma thought it was a great honor. He sexually assaulted me though. I resisted him, and after he had fondled me he gave up, and I gave up on the Catholics.

- 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 me Grandma, who was a parishioner at Our Lady of Fatima, about Fr. Starkey in 1974. I told therapists in 1997. I told the Archdiocese in 2019, and Annette Klimka was the most cold, uncaring person I have talked about it with, which completely shocked me. I also told my attorneys in 2019.

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

I was born a Catholic and wanted to be a priest or clergy. I left after being abused by 4 clergy as a pre-teen.

- 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.

Br. Thomas and Br. John were aware of my being abused by Thomas, and the one rape by Br. John at the home for Handicap boys was set up by Thomas. I don't know what they actually witnessed, but they knew.

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)?

Its like I have lived with a cannon ball chained to my ankle all my life. It still feels that way. I developed anger management issues, and a total lack of trust in people. I managed to sing in chorus, and at UNM I became active and involved in lots of things. I later met my wife #3 , who is an illegal alien, in Raton. We had 5 kids. I became a teacher at about 38, and taught, coached, and administered public schools in Espanola, Roswell, Albuquerque, and Texas. The abuse seriously affected my marriage. I never communicated with her in any meaningful way. The worst thing caused by the abuse was addictive promiscuity with mostly men. I became an expert at gay cruising, while raising a family of straight kids. I contracted HIV in 1997, and I had to take 38 pills a day. I am called a "non-reactive carrier".

I also developed eating disorders, as a way to try to stop gay cruising, and battle depression. I went up to 288 pounds at one point, and I normally weigh 165. I ended up with bariatric surgery in about 2016, and lost 168 pounds. Throughout those decades, I was addicted to sex with women too. I believe the secrecy of the sexual abuse in the Catholic Church fed a lot of my addictions, as I kept the eating disorder and the sex addiction secret from my family. I have attempted suicide twice, in my 20s when I first developed major depression and anxiety issues. I tried to kill myself with overdoses. I didn't realize where all this was coming from at that age.

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

In about 1997, at about age 40, I started seeing Dr. Kathy Chapman, in Houston, for about two years. She was an ex-nun. We talked about the abuse. She now lives in Sedona Arizona and I have had no other 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: Phillip Bashara Shamas Court: U.S. Bankruptcy Court

Date filed: 09/09/1991 Case No. 91-13-098-m7

Chapter: 7 11 12 13 Name of Trustee: Bill J. Sholer

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: 5-14-19

Signature: 

Print Name: Phillip B. Shamas

Relationship to Sexual Abuse Claimant: _____