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Proof of Claim form: Randal D. Lucero (JD96)

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

JD 96

FILED
at 11:19 o'clock AM

MAY 28 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: _____

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 sexually abused as a child by Fr. Ronald Bruckner and Fr. Robert Malloy, who were empowered and supported by the Archdiocese of Santa Fe and Our Lady of Assumption Parish. I was also sexually abused by a man named Tom Zotter, whom I believed to be a seminarian but now know was a young priest. Fr. Zotter was also empowered and supported by the Archdiocese of Santa Fe.

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

Frs. Bruckner and Malloy were parish priests at Assumption, and as such held a position of great authority and esteem in my eyes and the eyes of my deeply Catholic parents. Fr. Zotter was a priest as well, although I did not realize that until recently.

- 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 on camping trips to places such as Cochiti and the Jemez mountains. It took place in Bluewater New Mexico, at the Fairgrounds in Albuquerque, and on Kirtland Airforce Base in Albuquerque. There was also a great deal of abuse that took place at Assumption Parish – in the rectory, in the sacristy, and sometimes in the chapel/church hall itself.

- 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 with Fr. Zotter, in 1981. He took an interest in me, and mentored me, and eventually began grooming me for sexual activity. Sexual activity began with Fr. Zotter in early 1981 and took place over the course of that year. Then, toward the end of 1981 or the beginning of 1982, Fr. Bruckner found out that Fr. Zotter had been having sex with me. That was a big, scary secret for me at the time, and Fr. Bruckner knew it, so he began using that secret as leverage to have sex with me too. Fr. Malloy joined in on the sexual abuse soon after Fr. Bruckner began it. The sexual abuse from Fr. Bruckner and Fr. Malloy continued from 1982 until 1987.

Over the course of 1981, there were close to fifty incidents of sexual abuse from Fr. Zotter – escalating quickly from mutual masturbation to oral sex (performed by me on him and by him on me) to anal sex (performed by him on me).

Between 1982 and 1987, the sexual abuse from Fr. Bruckner and Fr. Malloy occurred sometimes daily, sometimes weekly, sometimes as little as once a month. It depended on circumstance, whether they were in town, whether I was serving Masses, etc. In those five years, there were too many incidents of masturbation, oral sex (performed by me on them), and anal sex (performed by them on me) for me to count.

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 age 16 when it started and 22 when it stopped.

- e. What happened (describe what happened):

I was sexually abused by three priests of the Archdiocese of Santa Fe over the course of a six-year period, too many times to count. Fr. Zotter simply had sex with me; he did not go out of his way to psychologically terrorize me. This was very destructive in its own way, but it does not compare to what Fr. Bruckner and Fr. Malloy did to me. Fr. Bruckner and Fr. Malloy found leverage over me and used it – they planted fear in my heart, and basically used me as a sex-slave for over five years.

I grew up attending Assumption, and I was an altar boy until the age of seventeen. I was also part of a youth group that Fr. Bruckner had organized at Assumption, and participated in a lot of those youth group activities and camping trips. My mother and I sang in the choir at Assumption. My parents wanted me to become a priest, and they talked to Fr. Bruckner about how they could see me as a priest. I wanted to be a priest too – to serve God, to make my parents proud.

When I was fifteen years old I was extremely confused about my sexuality. I now know I am gay, but as a fifteen-year-old aspiring priest in a conservative Catholic household in the early 1980's, admitting that I was gay (to myself or to others) was basically impossible. In search of clarity and counseling, I disclosed my sexual confusion to Fr. Bruckner in confession. He told me that my sexual confusion and my same-sex attractions were "okay, not wrong, a normal part of being a teenage boy," etc. He said he wanted to provide me a

“safe zone,” for me to “open up.” He talked to me about masturbation a lot, and encouraged me to masturbate a lot. He started introducing the idea that sexual activity with men did not automatically make a man “gay.”

Soon after, Fr. Bruckner introduced me to Fr. Tom Zotter, in the context of my participation in the parish youth groups. I didn’t realize Zotter was a priest, at the time – I thought he was still a seminarian, somewhere in his early-30’s. He was handsome and charming, and he quickly took an interest in me. In the midst of my adolescent confusion, I was very flattered by his interest. It was not long before Zotter was engaging in sexual activity with me –having us masturbate each, or perform oral sex on each other, or having anal sex with me. He would tell me that he was helping me to work through my own sexual confusion, and that I was a good human being and that he loved me.

At this same time, Fr. Bruckner was also grooming me – having me sleep in his tent on youth group camping trips, giving me wine to drink, openly encouraging detailed sexual talk in the confessional, and creating a sense of false security for me. One day, Fr. Bruckner took me into his office and sat me down. He told me that he knew that I had “seduced Tom Zotter,” and that the two of us had been having sex, and that he needed to tell my parents about this immediately. He got me to admit that Zotter had been having sex with me, and I begged Fr. Bruckner not to tell my parents. My parents were deeply Catholic, and the thought of them learning that I had “seduced a seminarian” was unthinkably terrifying for me. I basically told Fr. Bruckner that I would do anything to keep this information from my parents. I thought he would assign me some extended regimen of prayer and penitence and service work. But Fr. Bruckner had me right where he wanted me, pinned down by a secret, and he had other ideas about the price I would pay to keep that secret.

At first, Fr. Bruckner would sexually abuse me in the guise of “helping me” – telling me that sexual contact between priests and altar boys was fine, and that he was helping me to “get all of your sexual energy out of your system before you take your vows as a priest.” He always talked like it was a given that I was going to be a priest, now, and that this period of sexual contact in my teenage years was just part of the program. At the beginning, Fr. Bruckner would encourage me to masturbate in front of him, and he would masturbate in front of me, and we would masturbate each other. But this phase of the abuse quickly escalated to Fr. Bruckner demanding that I perform oral sex on him and that I submit to anal sex with him. A lot of these sexual abuse incidents occurred at Assumption, and a lot of them occurred on camping trips.

The sexual contact with Zotter completely stopped once the sexual abuse from Fr. Bruckner began. In fact, all contact with Zotter stopped. He acted like I had betrayed him, and stopped talking to me. This deeply hurt me and further confused me – I was stuck in a situation that I didn’t understand, and he acted like I had done something wrong. Looking back, I realize that Fr. Bruckner had basically “laid claim” to me, and Zotter was angry about that.

Pretty soon, Fr. Bruckner brought Fr. Malloy into the abuse. I don’t know what their relationship really was, but it seemed to me like Fr. Malloy was Fr. Bruckner’s perverse sidekick. Fr. Malloy was the chaplain for the Albuquerque Police Department, and he loved

to talk about how much power this position gave him with the police. Fr. Bruckner and Fr. Malloy took on good-cop/bad-cop roles: Fr. Bruckner would stick to his general approach that "it's okay, we all do this, we help each other get it out of our system," etc. The next day, Fr. Malloy would be playing the police card, telling me that I had better not utter a word to anyone about what they were doing, because I had "brought this on myself" and they would destroy me if resisted. He tended to be a reserved, quiet speaker, but his words were brutal. "I can ruin your life any time I want, and put you in prison," he would tell me. "You think this is bad? Imagine being a prison bitch."

Over the next few years (from about age 17 to 20) the sexual abuse from Fr. Bruckner and Fr. Malloy got to the point that it was as simple as "we have five or ten minutes alone, drop your pants and bend over." They would have anal intercourse with me on a regular basis – all part of "preparing me for the priesthood," as they said and I believed at the time. Sometimes, they would tie me up before abusing me – which seemed to really excite them. They started using drugs to facilitate these assaults. Fr. Bruckner and Fr. Malloy would often use amyl nitrite capsules (called "poppers") on me prior to having anal sex with me, and gave me lots and lots of alcohol (especially on the camping trips).

I would go on the camping trips knowing that there would be sexual abuse from Fr. Bruckner. Fr. Malloy wouldn't always go on these trips, but sometimes he would, and there would be sexual abuse from him too. I kept going because they said I needed to go, and because my little brother Michael had started going on the camping trips as well. This would have been around the summer of 1986 or so when he started going, when he was twelve. I went on the trips to keep an eye on him. I didn't think of it this way at the time, but I now realize that I was going on the camping trips in hope that Fr. Bruckner and/or Fr. Malloy would focus their sexual attention on me, and not on Mike or the other younger kids. I would try to watch him on these trips, but there were plenty of occasions where Fr. Bruckner or Fr. Malloy would take my little brother out of my line of sight.

As I got older, I began to resist the sexual advances from Fr. Bruckner and Fr. Malloy on a more regular basis. I had intended to go to Immaculate Heart of Mary in Santa Fe, but after I stopped submitting to their sexual abuses, Fr. Bruckner and Fr. Malloy refused to help me get into the seminary. I left Albuquerque at the age of 21, and began attending the College of Santa Fe. Santa Fe was a different world. I felt like I had run away, rather than fighting, and I felt very guilty about it – but I still felt relatively free and safe in Santa Fe, for the first time in years. I spent a lot of time at IHM, even though I wasn't enrolled there. I was introduced to new ideas, and lots of new people. I began to realize, bit by bit, that I didn't need to submit to Fr. Bruckner or Fr. Malloy's abuses any more. The realization came to me slowly but surely. The same realization came slowly but surely to them, as well, and they started getting very nervous. Fr. Malloy doubled down on his bad-cop routine, but it started to ring hollow. Fr. Bruckner started to make thinly veiled threats that I would get kicked out of college if anybody found out that I was engaged in "unnatural sexual behavior."

At age 22, in the early part of 1987, I told Fr. Bruckner and Fr. Malloy that I was done with them. They started spreading rumors about me at Assumption, saying that I had stolen parish money, etc. They tried to get me in trouble at the College, but one of the Christian

Brothers there intervened on my behalf and basically protected me from their influence. I was free from their sexual abuse, at this point, but I was a psychological wreck.

- 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 some of the seminarians at Immaculate Heart of Mary to watch out for Fr. Bruckner when I was 21 or 22 years old. I don't remember their names, though. I wasn't able to tell my family until late 2018. I began disclosing the abuse to my therapist #10 at Southwest CARE in November 2018.

I told my attorneys about the sexual abuse from Fr. Bruckner and Fr. Malloy in November 2018, but didn't discuss the abuse from Tom Zotter at that time because I did not know that he was a priest at that time. When I subsequently searched for him online, I found his obituary, which showed that he was a priest at the time he was having sex with me (in 1981). I then brought this information to my attorneys in early 2019.

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

I was brought up to have reverence for the spiritual, sacred, and higher powers such as God, and I still do think I have a connection with that, but it has nothing to do with the Catholic Church now. I have no faith in the Catholic Church anymore.

- 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.

Bruckner and Malloy witnessed each other abusing me many times. Other than that I don't think there were any 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)?

The sexual abuse from Fr. Zotter was physically painful, and it was emotionally painful when he abandoned me after Fr. Bruckner began abusing me. The sexual abuse from Fr. Bruckner and Fr. Malloy was very frequently painful as well. There was an incident where they accidentally dropped some amyl nitrite liquid into my nose, and it burned me badly – it left a hole in my nasal septum that caused years of severe pain. I eventually needed surgery later in life to fix my septum and reconstruct part of my nose.

Beyond the physical pain of the sexual abuse from Fr. Bruckner and Fr. Malloy, the psychological aspects of the sexual abuse were devastating. Fr. Bruckner and Fr. Malloy kept me in a state of constant psychological turmoil over the sexual abuse they were perpetrating on me. Fr. Bruckner would convince me that the sexual incidents were normal and fine, and Fr. Malloy would convince me that the sexual incidents were perverted and made me morally culpable, and they would press these contradictory messages into me on a near-daily basis – sometimes simultaneously, while they were abusing me one after the other. The one consistent message was that all of this sexual activity had to remain completely secret, or my life and the life of my parents would be destroyed. They took the sexual confusion of a fifteen-year-old, exploited it for their sexual pleasure, and deeply exacerbated it to keep their abuses a secret. In the process, they left me with a toxic sexual framework that came to define decades of my adult life.

Fr. Bruckner and Fr. Malloy trained me to believe that sex was a process of perverted release, to be experienced recklessly, sometimes violently, in secret and with the aid of drugs and alcohol. They taught me that after I experienced sex, I should be ashamed of it. They taught me that sex should be experienced free from emotional intimacy, and that sex should feel coercive and nonconsensual. I carried all of this sexual toxicity into the subsequent decades, experiencing sex in a long, drawn-out series of high-risk, sometimes anonymous sexual encounters with other men. I put myself in many dangerous situations. I could never sustain any meaningful intimate relationship. All I knew was that I existed to be used. I relied on heavy alcohol consumption to dull the shame that accompanied my sex life. I became addicted to methamphetamine for a period of years, which led to an arrest in 2017. Along the way – as a result of years of reckless sexual patterns drilled into me by Fr. Bruckner and Fr. Malloy – I contracted HIV, which has since progressed to AIDS.

Fr. Bruckner and Fr. Malloy spread rumors accusing me of being a thief, and ruined my reputation within the Assumption community. They deeply damaged my relationship with my parents. They actively impeded my efforts to enter IHM seminary. They tried to get me in trouble at the College of Santa Fe. I have been filled with intense anger and deep guilt for my whole life over the fact that I was sexually manipulated and used by Fr. Bruckner and Fr. Malloy, and that I didn't prevent Fr. Bruckner or Fr. Malloy from sexually abusing other kids – including my younger brother.

I have floated through life without drive or purpose or self-respect. I rarely finished anything that I started. I didn't finish my degree at the College of Santa Fe. I went back to

school at UNM in later years, but didn't finish my degree there either. I have not been able to sustain romantic relationships. I have lived with deep depression and loneliness.

Fr. Bruckner and Fr. Malloy taught me to run and hide, rather than to stand and fight, and I feel like I have been living their lessons all my life.

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

I have been in counseling with #10, at Southwest CARE since November, 2018. No other therapy to address the sexual abuse I suffered as a kid.

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: YES

a. Where and when you commenced the lawsuit:

Bernalillo County District Court

b. The parties to the lawsuit:

John Doe 96 v. Archdiocese of Santa Fe, and Assumption Parish, Albuquerque

c. The case number if any:

#6

d. The result of the lawsuit:

Automatically stayed as to the Archdiocese; 3rd party pending

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: 5/8/19 #1

Signature: [Signature] #1

Print Name: Randal Lucero

Relationship to Sexual Abuse Claimant: _____