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Proof of Claim form: Alan Dominguez (JD108B)

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Proof of Claim form: Alan Dominguez (JD108B)

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

JD1 of B

FILED
at 11:18 o'clock A M

MAY 28 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: _____

PART 2: IDENTIFYING INFORMATION

A. Sexual Abuse Claimant

Alan Dominguez
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).

Denver Co. 80221
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?

Br. James G. Frank ("Br. Jim") sexually abused me. Br. Jim was employed and empowered to abuse me by the Archdiocese of Santa Fe, the Catholic mission churches at Jemez Pueblo and Zuni Pueblo and the Franciscan Friars of the Our Lady of Guadalupe province.

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

Br. Jim worked at Holy Trinity Catholic School in Westminster, Colorado. He was a counselor at the school and he used to use the confessional for counseling. He also used to hang around Our Lady of Fatima parish in Lakewood, Colorado where he was very involved in youth ministry there. He became a friend of my family and a friend of mine.

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.

Br. Jim sexually abused me in the #5 Hotel in Albuquerque, New Mexico while we were attending a Catholic Youth Conference sponsored by the Archdiocese. He also sexually abused me at two Archdiocesan mission churches, one at the Jemez Pueblo and at the other at Zuni Pueblo, New Mexico.

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 grooming in 1987. It progressed to the actual sexual abuse which occurred in May of 1988 and the fall of 1988. Br. Jim sexually abused me on 5 different occasions.

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 14 years old and in 8th grade when the grooming began in 1987. I was 14 when the sexual abuse began in May 1988 and I turned 15 as it continued through the fall of 1988.

- e. What happened (describe what happened):

I met him during my 7th grade year at Holy Trinity Catholic School. I had a friend who lost his mother very suddenly in May of 1985 when we were in 6th grade and he spent some time with Jim in counseling in the fall of 1985. This friend made one comment to me about Fr. Jim talking to him about masturbation and how natural it is. It caught me off guard, but didn't think too much of it at the time.

Br. Jim befriended me. My home life was not good, my father was a Vietnam veteran who suffered PTSD. Br. Jim became a friend of our family. He took me: on camping trips; to the movies; and on a youth trip to Juarez, Mexico. He was always affectionate with me giving me bear hugs, and engaging me in horseplay, where he would jokingly touch my genitals and buttocks, outside of my clothing.

In May of 1988, when I was 14 years old, Br. Jim took two van loads of children to a Catholic Youth conference in Albuquerque. I remember not knowing any of the other children (I knew Br. Jim from my school and this was a church youth group) and being hesitant about going but Br. Jim reassured me that he would take care of me. He arranged for he and I to share a hotel room. The other children shared a room, 4 to a room. We stayed at the #5 Old Town. For 2 nights, Br. Jim engaged me in mutual masturbation. We were both naked. I did not understand at the time that this was sexual abuse. He told me that it was how we show affection for each other – that this is what friends do to each other. He masturbated me to ejaculation and visa versa. I met Archbishop Robert Sanchez on this trip. He seemed to know Br. Jim and was very welcoming to him and I at the Conference.

In the fall of 1988, I travelled to New Mexico to visit Br. Jim and another Franciscan who was a friend, Reinaldo Davila. Reinaldo was assigned to the Zuni mission and Br. Jim to Jemez Pueblo. Br. Jim met me at the airport in Albuquerque and drove us to the Zuni mission where we met up with Reinaldo. The mission church had a school and a dormitory.

I think the school teachers lived in the dormitory. Br. Jim engaged me in Games of "Truth of Dare" which lead to more groping and mutual masturbation.

He then took me to the mission church on the Jemez pueblo where we stayed for 2 nights. We went to the hot springs in Jemez and skinny dipped. That evening at the missions school we stayed in a very large room with a very big bed. Although I had my own room, I started in Br. Jim's room where he would hug me from behind until he put his hands on my genitals. He was much bigger than me and I would eventually give in to more mutual masturbation and groping to climax. My trip of 4 days and 3 nights consisted of this type of abuse on each night.

There were Franciscan Friars at the Mission School in Jemez who knew that Br. Jim was sleeping with a child in a room with only one bed. I recall Fr. Emeric Nordmeyer being present at Jemez and Gilbert Schneider, who was the guardian, present at Zuni. They had to know that Br. Jim was sexually abusing me. I was an innocent child who was being told that "this is what we do" and that what was being done to me was "a good and natural thing." Br. Jim and the other Friars knew that it was sexual abuse of a child and they did nothing to stop it.

I understand that Br. Jim did not renew his vows – or was not permitted to renew his vows and he left the Franciscans in 1989. He did, however, remain at Our Lady of Fatima parish until 1992. I think he became interested in other – younger – boys after me so I think I sort of aged out of his interest. We remained friends until 1995 when I lost touch with him. I hear he worked for the Broomfield School system. In December 1996, Br. Jim was arrested for sexually abusing a child in the city of Broomfield. He posted bond, and then was re-arrested after another victim came forward. While out on bond, he took his own life in Park County, Colorado, at the campground where much of the grooming of me by him took place.

- 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 the sexual abuse until 2009 - because I did not know that it was sexual abuse. In 2009 I attended a workshop as part of a new teaching job. The workshop addressed child sexual abuse and the methods and manners in which predators lure children in to being abused. It was after this workshop that I realized I was groomed and sexually abuse by Br. Jim. I told my wife at that time. I also told my brother, parents and my friend, Reinaldo, who had previously been a Franciscan alongside Br. Jim. Reinaldo told me that he warned the Franciscans that Br. Jim was inappropriate with children.

Also in 2009, as part of psychotherapy, I wrote a letter to Fr. Gino Correa informing him of the abuse. I never heard back.

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

I was raised Catholic but my faith and spirituality are badly damaged. I do not participate in any religious activity. Br. Jim stole from me any ability to take comfort and rely upon religion or spirituality for anything.

- 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.

The Franciscan who were present in Jemez when Br. Jim was sexually abusing me there was Fr. Emeric Nordmeyer. At Zuni, Fr. Gilbert Schneider, the guardian, was present.

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 injuries of this abuse have mostly been emotional and mental. I had repressed the memories until the fall of 2009 when I started having anxiety attacks, horrible sleep habits, and tremendous feelings of dread and death. I would break out into cold sweats and felt that on some occasions that I was becoming suicidal. I changed jobs to a less stressful environment at that time and that is when I believe that my subconscious began to process the abuse years after not being able to do so. I sought out help from my physician and began psychotherapy. I took the antidepressant celexa and the anti-anxiety medication lorazepam for really bad episodes. I was able to ween off of celexa about a year later but struggled with anxiety until the past several months.

I am hypervigilant with my children. I feel a strong need to always protect them from what I perceive as danger. This need to always be alert to protect my children has spun into an

anxiety I have tried to control for decades. The hypervigilance and anxiety, in turn, have caused problems with my wife and children. I still suffer acute anxiety and a large dose of survivor's guilt resulting in a very poor self image.

I feel like I have been killed spiritually. I cannot enter a church without getting hot and cold flashes, chills and wanting to escape immediately. This has caused conflict with my wife who wants to raise our children Catholic. I am a non-participant in their spiritual upbringing and that is very troubling to me. And, whereas I used to think I may have had a calling to religious life, I am too angry and hurt now to have any relationship with the Catholic church or with a God who permitted this abuse to happen to me and so many other children.

My family is the reason I have persevered.

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

Yes, I was in counseling with Ashley Eder, formally of Denver, now relocated to California.

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: N/A

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: 5/17/19

Signature: 

Print Name: Aka Dominguez

Relationship to Sexual Abuse Claimant: _____