

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In re:

The Diocese of Rochester,

Case No.: 19-20905

Chapter 11 Case

Debtor,

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**ORDER ESTABLISHING A DEADLINE FOR FILING PROOFS OF CLAIM  
AND APPROVING THE FORM AND MANNER OF NOTICE THEREOF**

Upon the motion of The Diocese of Rochester (the “Debtor” or “Diocese”), for entry of an order (a) establishing a deadline by which proofs of claim against the Debtor’s bankruptcy estate must be filed; (b) approving the forms of proofs of claim; (c) approving procedures for maintaining the confidentiality of certain claims; (d) approving the form and manner of notice of the deadline to file proofs of claim; and (e) granting related relief [Docket No. 376] (the “Motion”);<sup>1</sup> and all objections to the Motion having been resolved or overruled; and it appearing that this Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that venue of this Chapter 11 Case and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having determined that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors and other parties in interest; and it appearing that proper and adequate notice of the Motion has been given under the circumstances and that, except as otherwise ordered herein, no other or further notice is necessary; and after due deliberation thereon; and good and sufficient cause appearing therefor;

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

IT IS HEREBY ORDERED THAT:

1. The Motion is hereby GRANTED as set forth herein.

**Establishment of Bar Date**

2. August 13, 2020 at 11:59 P.M. (prevailing Eastern time) is the deadline for all persons and entities, including governmental units and Sexual Abuse Claimants, to file prepetition claims in this Chapter 11 Case (the "Bar Date").

**Approval of Proposed Forms**

3. The General Proof of Claim Form, Sexual Abuse Proof of Claim Form, Confidentiality Agreement, Bar Date Notice, and the Publication Notice, in the forms annexed hereto as **Schedules 1, 2, 3, 4, and 5**, respectively, are hereby approved.

**Who Must File Proofs of Claim**

4. Except as provided in paragraph 6 of this Order, any person or entity holding a prepetition claim against the Debtor must file a proof of claim in accordance with the procedures described herein by the Bar Date. The Bar Date applies to all persons and entities (including governmental units), that assert Claims, as defined in § 101(5) of the Bankruptcy Code, against the Debtor (whether secured, unsecured priority or unsecured non-priority) that arose prior to or on the Petition Date, including, without limitation, any Sexual Abuse Claims. For purposes of this Order, a "Sexual Abuse Claim" is as defined in the Sexual Abuse Proof of Claim Form. Any person or entity asserting a prepetition claim against the Debtor does not waive their right to a jury trial, if any, by filing a proof of claim.

5. Any person or entity who is required to file a proof of claim pursuant to this Order but fails to do so on or before the Bar Date (i) may not be treated as a creditor with respect to such Claim and may not be entitled to vote to accept or reject, or to share in any distribution under, any

Chapter 11 plan proposed and/or confirmed in this Chapter 11 Case; and (ii) may be forever barred, estopped, and enjoined from asserting such Claim against the Debtor (or filing a proof of claim with respect thereto), and the Debtor and its property may be forever discharged from any and all indebtedness or liability with respect to such Claim.

6. **The following persons or entities must file a proof of claim on or before the**

**Bar Date:**

- (a) Any person or entity who believes its prepetition claim was omitted from the Debtor's Schedules of Assets and Liabilities (as amended) filed in this Chapter 11 Case (the "Schedules"), or whose prepetition claim is listed in the Schedules, but is designated as being "contingent," "unliquidated," or "disputed," and who may be entitled to any distributions to creditors that may be made in this Chapter 11 Case;
- (b) Any person or entity who believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than as identified in the Schedules; and
- (c) Any person who wishes to assert a Sexual Abuse Claim against the Debtor, regardless of whether such person has previously filed a lawsuit against the Debtor or otherwise has given formal or informal notice of such claims to the Debtor, including any person whose claim may be barred by a statute of limitations or repose in effect as of the Bar Date.

7. **The following persons or entities are not required to file proofs of claim at this**

**time:**

- (a) Any person or entity that has already properly filed a proof of claim against the Debtor with the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Rochester Division, except that, subject to Paragraph 11 of this Order, any person who has asserted a Sexual Abuse Claim must submit a completed Sexual Abuse Proof of Claim;
- (b) Any person or entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not identified therein as "contingent," "unliquidated," or "disputed," and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;

- (c) Any professionals retained by the Debtor or the Committee pursuant to orders of this Court, who assert administrative claims for payment of fees and expenses subject to the Court's approval, pursuant to sections 330, 331(a) and 503(b) of the Bankruptcy Code;
- (d) Any person or entity that asserts an administrative expense claim against the Debtor pursuant to sections 503(b) or 507(a)(2) of the Bankruptcy Code;
- (e) Any person or entity whose claim against the Debtor is allowed by an order of the Court entered on or before the Bar Date; and
- (f) Any person or entity whose claim has been previously settled or paid in full.

**Procedure for Filing Proofs of Claim**

8. **Proofs of claim may not be filed with the Court** or with the Clerk of the Court. Instead, **all proofs of claim must be submitted to Stretto**, the Debtor's Claims and Noticing Agent, as set forth in paragraphs 9 and 10 below.

9. All claimants, except for those asserting Sexual Abuse Claims, shall submit their proof of claim using the General Proof of Claim Form, a copy of which is attached hereto as **Schedule 1**. In order to be considered valid, each General Proof of Claim submitted in this Chapter 11 Case must: (a) be written in English, (b) be denominated in lawful currency of the United States as of the Petition Date, (c) have attached copies of any writings upon which the claim is based in accordance with bankruptcy Rules 3001(c) and 3001(d) (including for secured claims, evidence that the security interest has been perfected) unless such writings are voluminous or confidential, in which case a summary must be attached or an explanation provided as to why such writings are not available and such writings will be provided to the Debtor and/or the Committee upon request, and (d) be actually received by Stretto, the Debtor's Claims and Noticing Agent, as of the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/rochesterdiocese> or (ii) by delivering an original copy by hand delivery, first class mail or overnight courier to The Diocese of Rochester, Claims Processing c/o Stretto,

8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. In the event that a completed General Proof of Claim is mailed to or personally delivered to the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Rochester Division, the proposed Bar Date Order directs the Clerk of the Court to mark the Proof of Claim with the date and time of receipt, place the Proof of Claim Form in a sealed envelope, and transmit the sealed envelope to Stretto at the address for receipt of General Proofs of Claim Forms above.

10. All claimants asserting Sexual Abuse Claims shall submit their proof of claim using the Sexual Abuse Proof of Claim Form, a copy of which is attached hereto as **Schedule 2**. In order to be considered valid, each Sexual Abuse Proof of Claim must: (a) be written in English, (b) contain responses to all requests for information set forth therein to the best of the Sexual Abuse Claimant's knowledge at the time the form is signed, (c) be signed by the Sexual Abuse Claimant (or if such Sexual Abuse Claimant is a minor, legally incapacitated, or deceased, by such Sexual Abuse Claimant's parent, legal guardian or executor), and (d) be actually received by Stretto, the Debtor's Claims and Noticing Agent, as of the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/rochesterdiocese> or (ii) by delivering an original copy by hand delivery, first class mail or overnight courier to The Diocese of Rochester, Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. In the event that a completed Sexual Abuse Proof of Claim is mailed to or personally delivered to the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Rochester Division, the Clerk of the Court is directed to mark the Sexual Abuse Proof of Claim with the date and time of receipt, place the Sexual Abuse Proof of Claim in a sealed envelope, and transmit the sealed

envelope to Stretto at the address for receipt of Sexual Abuse Proofs of Claim above. A Sexual Abuse Claim may only be made on account of Sexual Abuse of an individual. Any other claim may be asserted as General Claim.

11. If a claimant submits a timely proof of claim that appears to assert a Sexual Abuse Claim on a document that is not a Sexual Abuse Proof of Claim Form, such claim will be treated as timely filed so long as such claimant submits a completed Sexual Abuse Proof of Claim as of the later of the Bar Date and the date which is thirty days following written notice by the Debtor to such Sexual Abuse Claimant from the Debtor of the need to complete and submit a Sexual Abuse Proof of Claim. The Debtor shall provide a copy of such notice to the Committee at the same time the notice is sent to the claimant.

#### **Establishment of Confidentiality Protocol**

12. Due to the nature of the information requested in the Sexual Abuse Proof of Claim Form, the following confidentiality protocol ("Confidentiality Protocol") shall apply to all Sexual Abuse Proofs of Claim submitted by Sexual Abuse Claimants:

- (a) All claimants asserting a Sexual Abuse Claim are directed to submit such claims directly to Stretto, the Debtor's Claims and Noticing Agent, using the Sexual Abuse Proof of Claim Form. Such claims should not be filed with the Court.
- (b) Sexual Abuse Proofs of Claim received by Stretto will be treated as confidential and will be made available only to Authorized Parties (as defined below) unless a Sexual Abuse Claimant affirmatively elects to have their Sexual Abuse Proof of Claim disclosed publicly. Any claim that appears to be a Sexual Abuse Claim that is filed as a General Claim shall be treated by Stretto as a confidential claim pending resolution of the claimant's intent regarding confidential treatment of such claim. The Confidentiality Protocol is for the sole and exclusive benefit of the Sexual Abuse Claimants. Accordingly, any Sexual Abuse Claimants may elect to make information contained in his or her personal Sexual Abuse Proof of Claim public, even if he or she does not elect to have his or her personal Sexual Abuse Proof of Claim disclosed publicly. For the avoidance of doubt, Sexual Abuse Claimants are not bound by the confidentiality provisions of this Order with respect to disclosures regarding their own

Sexual Abuse or any information disclosed by a Sexual Abuse Claimant in his or her Sexual Abuse Claim.

- (c) Sexual Abuse Proofs of Claims received by Stretto shall be held and treated as confidential by Stretto, and copies thereof shall be provided or made available only to the following parties (the “Authorized Parties”):
- i. The Bishop of Rochester, officers of the Debtor, and such other current or former employees of the Debtor who are necessary to assist the Debtor in reviewing and analyzing the Abuse Proofs of Claim. For the avoidance of doubt, any person that was disclosed to the Debtor as an individual who had allegedly committed an act of sexual abuse, as well as any person identified as an alleged abuser in a Sexual Abuse Proof of Claim Form or who is otherwise acknowledged by the Debtor<sup>2</sup> as someone who committed Sexual Abuse, shall not be an Authorized Person pursuant to this Paragraph 12(c)(i), *provided, however*, that the Debtor is authorized to discuss the contents of any Sexual Abuse Proof of Claim, (other than the claimant’s name, address, and other information identified in Parts 1 and 2(a) of the Sexual Abuse Proof of Claim Form, the signature block and any other information which could reasonably be used to personally identify a Sexual Abuse Claimant or any witness to the abuse disclosed in the Sexual Abuse Proof of Claim Form), with a person identified as an alleged abuser who was not previously disclosed to the Debtor as an individual who had committed an act of sexual abuse, *provided, further*, that if the Debtor seeks to disclose information that could reasonably be used to identify a Sexual Abuse Claimant or a witness identified in a Sexual Abuse Proof of Claim Form with an alleged abuser, the Debtor may do so upon written consent from the Committee. If the Committee does not consent, the Debtor may contact the Court to arrange a telephonic conference seeking such authorization upon no less than three (3) days’ notice to the affected Sexual Abuse Claimant(s), the Committee and the Debtor;
  - ii. Counsel to the Debtor or the Committee retained pursuant to an order of the Bankruptcy Court, including partners, counsel, associates, and employees of such counsel;
  - iii. Members of the Committee and their individual counsel (after the Sexual Abuse Proof of Claim has been redacted to remove the claimant’s name, address, and other information identified in Parts 1 and 2(a) of the Sexual Abuse Proof of Claim Form, the signature

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<sup>2</sup> Individuals acknowledged by the Debtor as someone who has committed an act of Sexual Abuse include, but are not limited to, those individuals identified by the Debtor on its website at <https://www.dor.org/protecting-our-children/dispositions-2002-present/> (last visited January 31, 2020).

block and any other information which could reasonably be used to personally identify a Sexual Abuse Claimant);

- iv. Upon the consent of the Debtor, any insurance company that provided insurance or reinsurance that may cover the claims described in any Sexual Abuse Proof of Claim, together with their respective successors, reinsurers and counsel;
  - v. Any person appointed pursuant to an order of the Bankruptcy Court to serve as a mediator, as a representative for unknown or future claimants, or as a special arbitrator/claims reviewer appointed to review and resolve Sexual Abuse Claims, in this Chapter 11 Case or any adversary proceeding filed in this Chapter 11 Case;
  - vi. Any trustee, or functional equivalent thereof, appointed to administer payments to Sexual Abuse Claimants, including pursuant to a plan of reorganization or a proposed plan of reorganization;
  - vii. Any person upon express written consent of the affected Sexual abuse Claimant, *provided, however*, that if the Sexual Abuse Claimant filed his or her claim *pro se*, then consent of the Sexual Abuse Claimant and counsel to the Committee shall be obtained before disclosing such claimant's proof of claim to any person pursuant to this Paragraph 12(c)(vii);
  - viii. Any person with the express written consent of the Debtor and the Committee, upon 10 business days' notice to the affected Sexual Abuse Claimant(s);
  - ix. Such other persons as the Court may authorize to access to one or more of the Sexual Abuse Proofs of Claim pursuant to subsequent order; *provided, however*, that any such determination shall be made on no less than 7 days' notice to the affected Sexual Abuse Claimant(s), the Committee and the Debtor; and
  - x. Counsel of record to any Authorized Party upon execution of a Confidentiality Agreement by such counsel.
- (d) Notwithstanding the designation of Authorized Parties above, no person or entity may obtain copies of any Sexual Abuse Proof of Claim prior to the execution of a confidentiality agreement substantially in the form attached hereto as **Schedule 3** (the "Confidentiality Agreement"); provided, however that a mediator appointed in the case shall not be required to execute a confidentiality agreement if such mediator is currently a Bankruptcy Judge or District Court Judge. Counsel of record to any Authorized Party shall only be required to execute a single Confidentiality Agreement, which shall be deemed binding on their entire firm. Access to the Sexual Abuse Proofs of Claim for all other Authorized Parties shall be restricted to the natural



person who executes a Confidentiality Agreement, and a separate Confidentiality Agreement must be signed by each natural person seeking access to the Sexual Abuse Proofs of Claim on behalf of an Authorized Party. Copies of all Confidentiality Agreements shall be provided to the Debtor and the Committee through their respective counsel.

- (e) Authorized Parties in possession of any Sexual Abuse Proof(s) of Claim shall keep such Sexual Abuse Proof(s) of Claim confidential and shall not use or disclose any information provided in any Sexual Abuse Proof(s) of Claim except in accordance with the terms of this Order, the Confidentiality Agreement or pursuant to an order of this Court, unless the Sexual Abuse Claimant has elected to make his or her Sexual Abuse Proof of Claim public by indicating such consent in Part 1 of the Sexual Abuse Proof of Claim Form. Authorized Parties may not contact a witness identified in a Sexual Abuse Proof of Claim Form based upon information obtained solely from the Sexual Abuse Proof of Claim Form;
- (f) Stretto shall assign to each claimant asserting a Sexual Abuse Claim a unique identifier code and shall maintain a confidential list of the identities of the Sexual Abuse Claimants, their corresponding identifier code, and their respective Sexual Abuse Proof(s) of Claim. The confidential list of the identities of Sexual Abuse Claimants shall be provided only to such parties that are Authorized Parties entitled to the personally identifying information of Sexual Abuse Claimants pursuant to this Order.

#### **Notice of Bar Date**

13. Within thirty (30) days following entry of the Bar Date Order, the Debtor shall serve by United States mail, first-class postage prepaid: (i) notice of the Bar Date, substantially in the form attached hereto as **Schedule 4** and incorporated herein by reference (the "**Bar Date Notice**"); and (ii) a copy of the General Proof of Claim Form (together with the Bar Date Notice, the "**General Claim Notice Package**"), upon (a) the Office of the United States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) all entities who have filed a notice of appearance in the Debtor's case; (d) all creditors listed in the Debtor's Schedules (except those creditors listed on the portions of Schedule F filed under seal relating to Abuse Claimants); (e) all parties to executory contracts and unexpired leases of the Debtor; (f) all entities that have previously filed proofs of claim in the Debtor's Chapter 11 Case; (g) any other persons and entities

or their counsel, including governmental units, known to the Debtor as entities who may reasonably be expected to have claims against the estate; and (h) such additional persons and entities as deemed appropriate by the Debtor. The Notice of Bar Date shall provide an internet link to a list of all entities within the territory of the Diocese that may be implicated by the Debtor's chapter 11 case, including Parishes, Schools, entities for which the Bishop is the President, and sole member entities for which the Bishop is the sole member.

14. Within thirty (30) days following entry of the Bar Date Order, the Debtor shall serve by United States mail, first-class postage prepaid: (i) the Bar Date Notice [**Schedule 4**], (ii) a copy of the Bar Date Order (without exhibits or schedules), and (iii) a Sexual Abuse Proof of Claim Form (together with the Bar Date Notice, the "Sexual Abuse Claim Notice Package"), upon each person, or their respective counsel, who, (a) is listed on that portion of the Debtor's Schedule F filed under seal, or (b) to the knowledge of the Debtor as determined after a review of the Debtor's books and records (including documents maintained as confidential files by the Debtor and/or the Bishop of the Diocese of Rochester) has (w) filed, or threatened to file, a lawsuit against the Debtor alleging that such Sexual Abuse Claimant was subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible; (x) otherwise contacted the Debtor to report that they were subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible, whether or not that individual's claim was considered to be substantiated and whether or not the report was written or verbal, in either case where contact information for such person or his or her attorney is included in the Debtor's books and records; (y) been identified to the Debtor as an individual who was subjected to Sexual Abuse by an individual for whom the Diocese was allegedly responsible to the extent contact information for such person or his or her attorney is included in the Debtor's books and records; or (z) previously filed a proof of claim in

the Debtor's Chapter 11 Case asserting a claim based on Sexual Abuse. Notwithstanding the foregoing, the Debtor shall not be required to send a Sexual Abuse Claim Notice Package to any person who has previously entered into a settlement with the Debtor regarding a claim based on Sexual Abuse if the Debtor has performed all of its obligations under the terms of such settlement.

15. Within thirty (30) days following entry of the Bar Date Order, the Debtor shall serve the Bar Date Notice [**Schedule 4**] by United States mail upon any person identified on: (a) the mailing list used for the Catholic Courier during the last 12 months; (b) any alumni lists used by Catholic schools of the Diocese or parishes of the Diocese within the last 12 months; and (c) the mailing list used for the Diocese's Catholic Ministries Appeal during the last 12 months.

16. In addition to providing direct notice to known creditors as set forth above, subject to applicable publication guidelines and submission deadlines, the Debtor shall cause a notice in substantially the form attached hereto as **Schedule 5** (the "Publication Notice") to be published as follows:

- i. Once, no later than 60 days prior to the Bar Date, in either *The New York Times*, National Edition or *USA Today*, and
- ii. Twice, with the first publication no later than 60 days prior to the Bar Date and the second publication no later than 30 days prior to the Bar Date in *The Rochester Democrat and Chronicle*, *The Buffalo News*, *The Syracuse Post-Standard*, and *The Catholic Courier*.
- iii. Beginning no later than 20 days after the date hereof and until the Bar Date, on any Facebook or Twitter account maintained by the Debtor in a pinned posting, and, to the Debtor's reasonable best efforts, on a Facebook or Twitter account maintained by any Parish of the Diocese in a pinned posting. Such posting shall provide one-click links to the General Proof of Claim Form and the Sexual Abuse Proof of Claim Form. Such accounts include the following:
  1. Twitter accounts: @RochDiocese; @ROC\_ENC; @CatholicCourier
  2. Facebook: Diocese of Rochester

- iv. Every 30 days between now and the Bar Date, posted on websites, Facebook accounts, and Twitter accounts.

17. In addition to the foregoing publication, the Debtor shall use reasonable efforts to take the following additional measures to disseminate information relating to the Bar Date as soon as practicable following entry of this Order:

- i. Beginning within twenty (20) days of the Bar Date and at least through the Bar Date, the Debtor shall cause prominent, one-click links to the General Claim Notice Package and the Sexual Abuse Claim Notice Package to be posted on the case management website maintained by Stretto.
- ii. The Debtor shall establish and maintain, or cause Stretto to establish and maintain, a telephone number which may be used by claimants to ask questions or to request copies of the General Claim Notice Package, the Sexual Abuse Claim Notice Package, or parts thereof;
- iii. Beginning within twenty (20) days of the Bar Date and at least through the Bar Date, the Debtor shall cause links to the General Claim Notice Package and the Sexual Abuse Claims Notice Package to be posted on the Debtor's website and accessible via a prominent one-click tab maintained on the website's homepage.
- iv. Within thirty (30) days of entry of the Bar Date Order and thirty (30) days prior to the Bar Date, the Debtor shall issue a press release regarding the Bar Date and including the Bar Date Notice [**Schedule 4**] to the news departments of the following:
  - a. Newspapers *The Rochester Democrat and Chronicle, The Buffalo News, The Syracuse Post-Standard, The Catholic Courier, The New York Times, The Wall Street Journal, USA Today, The New York Post, Newsday* and *The Journal News*;
  - b. Television stations WROC, WHEC, and WHAM; and
  - c. Radio stations WHAM, WROC, WYSL, WXXI and WHIC.
- v. The Debtor will mail a copy of the Publication Notice [**Schedule 5**] to each Parish and ministry (except primary and secondary schools) overseen by the Bishop of Rochester with instructions to display the Publication Notice in a prominent place until expiration of the Bar Date.
- vi. The Debtor will mail a copy of the Bar Date Notice [**Schedule 4**] to the following be on the Debtor's stationary and shall request that the party post the Bar Date Notice in a prominent place until the expiration of the Bar Date:


- a. the Attorney General of the State of New York; and
- b. For each of the counties of Monroe, Cayuga, Livingston, Wayne, Tioga, Tompkins, Ontario, Seneca, Schuyler, Yates, Steuben and Chemung, New York:
  - i. the district attorney's office;
  - ii. sheriff's office;
  - iii. any county government center;
  - iv. at least one public health agency (if any); and
  - v. at least one substance abuse agency or hospital (if any).

18. The Court finds that the form and manner of giving notice of the Bar Date as approved herein fulfills the notice requirements of the Bankruptcy Rules and is reasonably calculated under the circumstances to apprise both known and potential unknown creditors of the establishment of the Bar Date and the need to file a proof of claim, consistent with the due process rights of all parties under the standards established in *Mullane v. Central Hannover Bank & Trust Co.*, 339 U.S. 306 (1950) and *Hecht v. United Collection Bureau, Inc.*, 691 F.3d 218 (2d Cir. 2012). Accordingly, the Debtor is authorized and directed to serve and/or publish notice of the Bar Date in the manner described herein.

19. Nothing contained in this Order is intended or should be construed as a finding as to the validity of any claim against the Debtor, and all parties retain all rights to dispute any claim on any grounds. All parties retain the right to dispute, or to assert offsets or defenses to, any claim (whether or not reflected on the Schedules or any amendments thereto) as to amount, liability, classification, or otherwise, and to subsequently designate any claim as contingent, unliquidated or disputed.

20. The Court retains jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: February 25, 2020  
Rochester, New York

  
Hon. Paul R. Warren  
United States Bankruptcy Judge

**Schedule 1**

(To Bar Date Order)

**General Proof of Claim Form**

Fill in this information to identify the case:

The Diocese of Rochester  
Case Number: 19-20905

United States Bankruptcy Court for the Western District of New York

Official Form 410

## Proof of Claim

04/19

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

### Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim) \_\_\_\_\_

Other names the creditor used with the debtor \_\_\_\_\_

2. Has this claim been acquired from someone else?

No

Yes. From whom? \_\_\_\_\_

3. Where should notices and payments to the creditor be sent?

Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)

Where should notices to the creditor be sent?

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

Where should payments to the creditor be sent? (if different)

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP Code \_\_\_\_\_

Contact phone \_\_\_\_\_

Contact email \_\_\_\_\_

4. Does this claim amend one already filed?

No

Yes. Claim number on court claims registry (if known) \_\_\_\_\_

Filed on \_\_\_\_\_

MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

No

Yes. Who made the earlier filing? \_\_\_\_\_



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ \_\_\_\_\_ Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
\_\_\_\_\_

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

No

Yes. Check all that apply:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$3,025\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$13,650\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

Amount entitled to priority

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/22 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

Print the name of the person who is completing and signing this claim:

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_

**Supporting Documents**

**Schedule 2**

(To Bar Date Order)

**Sexual Abuse Proof of Claim Form**

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In re:

The Diocese of Rochester,

Case No.: 19-20905

Chapter 11 Case

Debtor,

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**CONFIDENTIAL SEXUAL ABUSE PROOF OF CLAIM**

**THIS FORM MUST BE RECEIVED NO LATER THAN AUGUST 13, 2020  
AT 11:59 P.M. (PREVAILING EASTERN TIME) (THE "BAR DATE")**

Carefully read the instructions that are included with this **CONFIDENTIAL SEXUAL ABUSE PROOF OF CLAIM** and complete all applicable questions.

For purposes of this Proof of Claim, a "Sexual Abuse Claim" is any claim (as defined in section 101(5) of the Bankruptcy Code) against The Diocese of Rochester (the "Diocese") 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, sexually-related psychological, or sexually-related 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 conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in the New York Penal Law), 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 Diocese or any other person or entity for whose acts or failures to act the Diocese is or was allegedly responsible. A "Sexual Abuse Claimant" is the person asserting a Sexual Abuse Claim against the Diocese. If the Sexual Abuse Claimant is a minor, a parent or legal guardian may complete this Sexual Abuse Proof of Claim on the minor's behalf. If the Sexual Abuse Claimant is deceased or incapacitated, the Sexual Abuse Claimant's legal representative or executor of the decedent's estate may complete this Sexual Abuse Proof of Claim on their behalf.

**THIS PROOF OF CLAIM IS FOR SEXUAL ABUSE CLAIMS ONLY.**

**TO BE VALID, THIS SEXUAL ABUSE PROOF OF CLAIM MUST:**

- (A) Be written in English or include a translation if responses are in a language other than English;
- (B) Provide responses that are complete and accurate to the best of your knowledge;
- (C) Be signed by the Sexual Abuse Claimant, except that if the Sexual Abuse Claimant is a minor, incapacitated or deceased, this Sexual Abuse Proof of Claim may be signed by the Sexual Abuse Claimant's parent, legal guardian, or executor, as applicable; and
- (D) Be actually received by Stretto, the Diocese's claims and noticing agent, on or prior to the bar date, either:
  - (i) electronically using the interface available at: <https://case.stretto.com/rochesterdiocese>; or
  - (ii) via hand delivery, U.S. Mail or overnight courier to The Diocese of Rochester, Claims Processing c/o Stretto, 410 Exchange, Suite 100, Irvine, California 92602.

**PROOFS OF CLAIM SENT BY FACSIMILE, TELECOPY, OR E-MAIL WILL NOT BE ACCEPTED.**

**YOU MAY WISH TO CONSULT AN ATTORNEY REGARDING THIS MATTER.**

**YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING TOLL FREE AT [\_\_\_\_\_].**

**FAILURE TO COMPLETE AND RETURN THIS FORM IN A TIMELY MANNER MAY RESULT IN YOUR INABILITY TO VOTE ON A PLAN OF REORGANIZATION AND INELIGIBILITY TO RECEIVE A DISTRIBUTION IN THE ABOVE-CAPTIONED CHAPTER 11 CASE.**

**THIS PROOF OF CLAIM FORM IS NOT SUFFICIENT TO ASSERT A SEXUAL ABUSE CLAIM AGAINST ANY ENTITY OTHER THAN THE DIOCESE.**

**ANSWER THESE QUESTIONS TO THE BEST OF YOUR KNOWLEDGE AND ABILITY AT THE TIME YOU COMPLETE THIS FORM.**

**A PERSON WHO FILES A FRAUDULENT CLAIM COULD BE FINED UP TO \$500,000, IMPRISONED FOR UP TO 5 YEARS, OR BOTH. 18 U.S.C. §§ 152, 157, and 3571.**

**PART 1: CONFIDENTIALITY**

Unless the Sexual Abuse Claimant indicates below that the Sexual Abuse Claimant wants this document to be part of the public record, the Sexual Abuse Claimant's identity will be kept strictly confidential, under seal, and outside the public record pursuant to an Order of the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court"). However, this Sexual Abuse Proof of Claim and the information in this Sexual Abuse Proof of Claim may be provided, pursuant to confidentiality procedures approved by the Bankruptcy Court, to the Diocese, certain insurers of the Diocese, the Official Committee of Unsecured Creditors (the "Committee"), their respective counsel, the United States Trustee, and to such other persons as the Bankruptcy Court may authorize.

**ONLY THE SEXUAL ABUSE CLAIMANT MAY WAIVE THE CONFIDENTIALITY OF THIS PROOF OF CLAIM.**

Please select only <b><u>one</u></b> option below:	
<input type="checkbox"/> I wish to keep my identity and this proof of claim CONFIDENTIAL.	<input type="checkbox"/> I want my identity and this proof of claim (together with any exhibits and attachments) to be made PUBLICLY AVAILABLE AND PART OF THE PUBLIC RECORD.
<b>Signature:</b>	
<b>Print Name:</b>	

**IF YOU DO NOT CHECK EITHER BOX, IF YOU CHECK BOTH BOXES, OR IF YOU DO NOT PROVIDE YOUR NAME AND SIGNATURE ABOVE, YOUR CLAIM WILL REMAIN CONFIDENTIAL.**

**PART 2: IDENTIFYING INFORMATION**

**a. Sexual Abuse Claimant**

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First Name	Middle Initial	Last Name	Suffix (if any)
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Mailing Address (If party is incapacitated, is a minor or is deceased, please provide the address of the legal representative submitting the claim. If you are in jail or prison, your current address).

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City	State/Prov.	Zip Code (Postal Code)
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Telephone No(s):

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

If you are represented by counsel, you may provide your attorney's work phone number instead of your own.

Email address: \_\_\_\_\_

If you are represented by counsel, you may provide your attorney's email address instead of your own.

Social Security Number (last four digits only): \_\_\_\_\_

If you are in jail or prison, your identification number and location of incarceration:

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May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case leave voicemails for you regarding your claim?  Yes  No

May the Diocese, the Committee, and their respective counsel of record in this chapter 11 case send confidential information to your email?  Yes  No

Birth Date: \_\_\_\_\_  
                  Month      Day      Year

Any other name, or names, by which the Sexual Abuse Claimant has been known (including maiden name, if applicable):

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**b. Sexual Abuse Claimant's Attorney (if any):**

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Law Firm Name

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Attorney's	First Name	Middle Initial	Last Name
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Street Address

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City	State/Prov.	Zip Code (Postal Code)	Country (if other than U.S.A.)
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Telephone No.	Fax No.	E-mail address
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**PART 3: BACKGROUND INFORMATION**

- a. Please describe your marital history, including the date(s) you were married, and provide your current marital status. You do not need to identify the name(s) of your spouse(s) unless you want to.

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- b. What schools have you attended? For each school, please identify the months and years of your attendance. If you cannot recall the exact months when you began or ended each school year, please identify the season (fall, winter, spring, summer).

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- c. Are you currently employed? To the best of your recollection, please describe your employment history, including the name(s) of your current and past employers, the dates you were employed, the locations of your employment, and your job(s)/title(s).

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**PART 4: NATURE OF COMPLAINT**

**(Attach additional separate sheets if necessary)**

**NOTE: IF YOU HAVE PREVIOUSLY FILED A LAWSUIT AGAINST THE DIOCESE IN STATE OR FEDERAL COURT, PLEASE ATTACH THE COMPLAINT.**

- a. Who committed the acts of Sexual Abuse against you? Individuals identified in this section will be referred to as the “abuser” in questions below. If applicable, you may identify more than one abuser. Please provide the complete name(s) of each abuser to the best of your recollection. If you do not know the name(s) of each abuser, please identify them by title, position or other description.

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- b. How did you know the abuser? For example, was the abuser at your church, school or part of another group with which you were involved? Was the abuser a relative or family friend?

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- c. If the abuser was affiliated with a church, parish, school, or Diocesan organization, please identify such church, parish, school or organization.

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- d. Where did the Sexual Abuse take place? Please be specific and complete all relevant information to the best of your recollection, including the names of locations and addresses, if known.

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- e. When did the Sexual Abuse take place? Please be as specific as possible. If you do not recall the exact date, provide as much information as possible, including the year and season (fall, winter, spring, or summer).

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1. How old were you at the time the Sexual Abuse began? Please be as specific as possible. If you do not recall the exact date, provide as much information as possible, including the year and season (fall, winter, spring, or summer).

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2. How old were you at the time the Sexual Abuse ended? Please be as specific as possible. If you do not recall the exact date, provide as much information as possible, including the year and season (fall, winter, spring, or summer).

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- f. What happened (describe the nature of the Sexual Abuse against you, including the circumstances, frequency, and type(s) of Sexual Abuse ):

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- g. Did you tell anyone about the Sexual Abuse and, if so, whom did you tell (this would include parents, relatives, friends, representatives of the Diocese, counselors, therapists, doctors, and law enforcement authorities). If you did tell anyone, what did you tell them, and when? You do not need to disclose any communications you may have had with an attorney.

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- h. Were there any witnesses to the Sexual Abuse? If there were any witnesses, please list their name(s).

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**PART 5: IMPACT OF COMPLAINT**

**(Attach additional separate sheets if necessary)**

- a. What injuries and/or damages have you experienced because of the act or acts of Sexual Abuse described above? Please provide as much detail as possible. For example, describe any injuries or damages, as well as any effect on your education, employment, personal relationships, health, or faith.

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- b. Have you sought counseling or other medical or mental health treatment for your injuries? If so, with whom and when?

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**PART 6: ADDITIONAL INFORMATION**

- a. Prior Claims: Have you ever asserted a claim against the Diocese, or against any entity or individual other than the Diocese (including, but not limited to, any parish, church, school, or other organization) relating to the Sexual Abuse described in this claim? If you have, please state when you asserted the claim, against whom the claim was asserted, the manner in which the claim was asserted (for example, a complaint made to law enforcement, a lawsuit or demand letter, participation in the Diocese's Independent Reconciliation and Compensation Program (IRCP) or a similar program sponsored by an entity other than the Diocese, an informal request for compensation, etc.), and the result of such claim (including, for example, whether such claim resulted in a settlement or was adjudicated and, if so, the terms of any non-confidential settlement or the outcome of such adjudication).

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- b. Bankruptcy: Have you ever filed bankruptcy?

Yes

No

**Sign and print your name. If you are signing the claim on behalf of a minor, decedent or incapacitated person, state your relationship to the Sexual Abuse Claimant.**

**Under penalty of perjury, I declare the foregoing statements to be true and correct.**

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Relationship to the Sexual Abuse Claimant: \_\_\_\_\_

**Schedule 3**

(To Proposed Order)

**Confidentiality Agreement**



**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In re:

The Diocese of Rochester,

Case No.: 19-20905

Chapter 11 Case

Debtor,

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**AUTHORIZED PARTY CONFIDENTIALITY AGREEMENT  
REGARDING SEXUAL ABUSE PROOFS OF CLAIM**

This Authorized Party Confidentiality Agreement Regarding Sexual Abuse Proofs of Claim (“Agreement”) is entered into as of [ \_\_\_\_\_ ], 2020.

By [ \_\_\_\_\_ ] (the “Recipient”), an Authorized Party pursuant to paragraph [12(c)] of the *Order Establishing a Deadline for Filing Proofs of Claim and Approving the Form and Manner of Notice Thereof* (the “Bar Date Order”)<sup>1</sup> [Docket No. \_\_\_\_] entered by the United States Bankruptcy Court for the Western District of New York (the “Bankruptcy Court”) in the above-captioned chapter 11 bankruptcy case (the “Chapter 11 Case”) on [ \_\_\_\_\_ ], 2020.

WHEREAS, the Recipient will be granted access to Sexual Abuse Proofs of Claim filed in the Chapter 11 Case after execution of this Agreement pursuant to and in accordance with the terms of the Bar Date Order and this Agreement;

WHEREAS, Recipient acknowledges that the Sexual Abuse Proofs of Claim contain sensitive, non-public information, which is to remain confidential pursuant to the Bar Date Order and the terms of this Agreement; and

WHEREAS, with the exception of counsel of record to Authorized Parties, access to the Sexual Abuse Proof of Claim Forms extends only to the natural person who executes this Agreement and a separate copy of this Agreement must be signed by each natural person who seeks access to the Abuse Proofs of Claim on behalf of an Authorized or Permitted Party. Counsel of Record to Authorized Parties may sign one form on behalf of their firm, and the terms of this Agreement and the Bar Date Order shall apply to each member, partner, shareholder, counsel, associate, paraprofessional and employee of the Recipient firm, and all such individuals shall be subject to the terms of this Agreement and the Bar Date Order as though they had signed it on their own behalf.

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<sup>1</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Bar Date Order.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. Recipient agrees that the Sexual Abuse Proofs of Claim and any Confidential Information (as such term is defined below) contained therein shall be kept confidential pursuant to and in accordance with the terms of the Bar Date Order and this Agreement;
2. For purposes of this Agreement, the term "Confidential Information" means each Sexual Abuse Proof of Claim itself, and any information contained in a Sexual Abuse Proof of Claim, except to the extent that the Sexual Abuse Claimant elects to permit disclosure of the information contained in the Sexual Abuse Proof of Claim by authorizing such disclosure pursuant to the terms of the Sexual Abuse Proof of Claim Form.
3. Recipient agrees to not to use or distribute any Sexual Abuse Proof of Claim Forms or Confidential Information in violation of this Agreement.
4. Recipient may use Sexual Abuse Proofs of Claim, and any Confidential Information contained therein, only in connection with the evaluation, prosecution or defense of the claims asserted in such Sexual Abuse Proofs of claim in the Debtor's Chapter 11 Case, any related adversary proceedings or contested matters in the Chapter 11 Case, any related insurance or reinsurance coverage demands, claims, disputes, or litigation, and settlement negotiations or mediations regarding all of the foregoing, and as otherwise required by applicable federal or state laws or regulations (each, a "Permitted Use").
5. Recipient shall not disclose any Confidential Information to any other person or entity except that Recipient may disclose Confidential Information (i) to any person or entity that is an Authorized Party who may receive such information pursuant to the Bar Date Order and has executed a copy of this Agreement, (ii) to the Bankruptcy Court or any other tribunal of competent jurisdiction so long as such disclosure is made pursuant to a Permitted Use and under seal, or (iii) pursuant to an order of the Bankruptcy Court after a hearing and upon notice to the affected claimant(s), the Committee and the Debtor.
6. Recipient consents to the exclusive jurisdiction of the Bankruptcy Court to adjudicate any disputes with respect to any terms, condition or alleged violations of this Agreement or the Bar Date Order.
7. Recipient shall promptly report any disclosure of Confidential Information in violation or breach of this Agreement to the Debtor and the Committee and shall cooperate with efforts to recover and secure any such Confidential Information and/or to mitigate the effects of any such disclosure.
8. Nothing in this Agreement precludes Recipient from seeking a modification of the Bar Date Order or the terms of this Agreement with respect to any proposed disclosure of Confidential Information contained in the Sexual Abuse Proof of Claim Forms, *provided, however*, that (a) any motion for such modification shall be on notice to all Sexual Abuse Claimants, the Committee and the Debtor and (b) Recipient shall not disclose any Confidential Information in connection with any such petition unless such disclosure is

restricted to the Bankruptcy Court, the Debtor, the Committee, the affected claimant(s) and made under seal.

9. This Agreement shall become effective as of the date it is delivered to counsel for the Debtor and counsel for the Committee.

Dated: \_\_\_\_\_, 2020

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

**Schedule 4**

(To Proposed Order)

**Form of Bar Date Notice**

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK**

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In re:

The Diocese of Rochester,

Case No.: 19-20905

Chapter 11 Case

Debtor,

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**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE DIOCESE OF ROCHESTER:

PLEASE TAKE NOTICE that on September 12, 2019 (the "Petition Date") The Diocese of Rochester, Debtor and Debtor-in-Possession in the above-captioned case (the "Debtor") filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (11 U.S.C. § 101 et seq., the "Bankruptcy Code") in the United States Bankruptcy Court for the Western District of New York (the "Bankruptcy Court"). Information regarding the Debtor, its business, and other relevant information related to this chapter 11 case (the "Chapter 11 Case") may be obtained at the case management website maintained by Stretto, the Debtor's Claims and Noticing Agent at: <https://case.stretto.com/rochesterdiocese>.

PLEASE TAKE FURTHER NOTICE that on [\_\_\_\_], 2020, the Bankruptcy Court entered an order (the "Bar Date Order")<sup>1</sup> establishing August 13, 2020 at 11:59 p.m. (prevailing Eastern time), as the deadline for all persons and entities, including Governmental Units and persons asserting Sexual Abuse Claims, to file prepetition claims in this Chapter 11 Case (the "Bar Date").

Except as described below, the Bar Date Order requires all persons or entities, including Governmental Units, that have or may assert prepetition claims of any nature against the Debtor, including Sexual Abuse Claims, to submit proofs of claim so that they are received by Stretto on or before the Bar Date. Please note that the terms "Entity," "Governmental Unit," "Claim," and "Sexual Abuse Claim" are defined below.

PLEASE TAKE FURTHER NOTICE that the Bar Date Order directs all claimants to submit their claims using one of two prescribed forms. All claimants, except for those asserting Sexual Abuse Claims, are directed to use the General Proof of Claim Form to submit their claim. If the Debtor has identified you as having a potential Claim, other than a Sexual Abuse Claim, a copy of the General Proof of Claim Form is enclosed with this Notice. All claimants wishing to assert Sexual Abuse Claims are directed to use the Sexual Abuse Proof of Claim Form. If the

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Bar Date Order.

Debtor has identified you as having a potential Sexual Abuse Claim, a copy of the Sexual Abuse Proof of Claim Form is enclosed with this Notice. If no proof of claim form accompanies this Notice, or if you did not receive the correct proof of claim form, copies of both the General Proof of Claim Form and the Sexual Abuse Proof of Claim Form may be obtained online by visiting <https://case.stretto.com/rochesterdiocese>, or may be requested by calling (855) 347-3773.

### **KEY DEFINITIONS**

As used in this Notice, the term "Entity" has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons (individuals, partnerships and corporations), estates, trusts, Governmental Units and the United States Trustee.

As used in this Notice, the term "Governmental Unit" has the meaning given to it in section 101(27) of the Bankruptcy Code and includes the United States, States, commonwealths, districts, territories, municipalities, foreign states, or departments, agencies or instrumentalities of the foregoing.

As used in this Notice, the term "Claim" shall mean, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (i) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (ii) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.

As used in this Notice, the term "Sexual Abuse Claim" shall mean any Claim against the Debtor 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 conduct constituting a sexual offense, incest, or use of a child in a sexual performance (as such terms are defined in the New York Penal Law), 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 Debtor or any other person or entity for whose acts or failures to act the Debtor is or was allegedly responsible.

**YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE ANY QUESTIONS, INCLUDING WHETHER YOU HAVE A CLAIM OR WHETHER YOU MUST FILE A PROOF OF CLAIM. YOU MAY ALSO OBTAIN INFORMATION FROM THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS BY CALLING [\_\_\_\_\_].**

**I. WHO MUST FILE A PROOF OF CLAIM PRIOR TO THE BAR DATE**

- a. ***The Bar Date:*** The Bar Date Order establishes August 13, 2020 at 11:59 p.m. (prevailing Eastern time) as the Bar Date for filing proofs of claim in this case:
- b. ***The Following Persons or Entities Must File a Proof of Claim on or Before the Bar Date:***
- i. Any person or Entity who believes its prepetition claim was omitted from the Debtor's Schedules of Assets and Liabilities (as amended) filed in this Chapter 11 Case (the "Schedules"), or whose prepetition claim is listed in the Schedules, but is designated as being "contingent," "unliquidated;" or "disputed," and who desires to participate in this Chapter 11 Case or to share in any distributions to creditors that may be made in this Chapter 11 Case;
  - ii. Any person or Entity who believes that its prepetition claim is improperly classified in the Schedules or is listed in an incorrect amount and that desires to have its claim allowed in a classification or amount other than as identified in the Schedules; and
  - iii. Any person who wishes to assert a Sexual Abuse Claim against the Debtor, regardless of whether such person has previously filed a lawsuit against the Debtor or otherwise has given formal or informal notice of such claims to the Debtor.
- c. ***The Following Persons or Entities are Not Required to File Proofs of Claim at this Time:***
- i. Any person or Entity that has already properly filed a proof of claim against the Debtor with the Clerk of the Court for the United States Bankruptcy Court for the Western District of New York, Rochester Division, except that any person who has asserted a Sexual Abuse Claim must submit a completed Sexual Abuse Proof of Claim;
  - ii. Any person or Entity: (a) whose claim is listed in the Schedules or any amendments thereto; and (b) whose claim is not identified therein as "contingent," "unliquidated," or "disputed," and (c) who does not dispute the amount or classification of its claim as set forth in the Schedules;
  - iii. Any professionals retained by the Debtor or the Committee pursuant to orders of this Court, who assert administrative claims for payment of fees and expenses subject to the Court's approval, pursuant to sections 330, 331(a) and 503(b) of the Bankruptcy Code;
  - iv. Any person or Entity that asserts an administrative expense claim against the Debtor pursuant to sections 503(b) or 507(a)(2) of the Bankruptcy Code;

- v. Any person or Entity whose claim against the Debtor is allowed by an order of the Court entered on or before the Bar Date; and
- vi. Any person or Entity whose claim has been previously settled or paid in full.

## II. CONFIDENTIALITY OF ABUSE CLAIMS

Pursuant to the Bar Date Order, filed Sexual Abuse Proofs of Claim will be treated confidentially in this Sexual Chapter 11 Case unless the Sexual Abuse Claimant elects to have his or her claim publicly disclosed. Any Sexual Abuse Proof of Claim that you file will not be available to the general public, and will be kept confidential, except that information will be provided to Authorized Parties under the Bar Date Order, all of whom will agree to keep the information provided by you confidential pursuant to the Bar Date Order.

## III. CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM

**Any person or Entity that is required to file a proof of claim, but fails to do so on or before the Bar Date: (i) may NOT be treated as a creditor with respect to such Claim and may not be entitled to vote to accept or reject, or to share in any distribution under, any Chapter 11 plan proposed and/or confirmed in this Chapter 11 Case; and (ii) may be forever barred, estopped, and enjoined from asserting such Claim against the Debtor (or filing a proof of claim with respect thereto), and the Debtor and its property may be forever discharged from any and all indebtedness or liability with respect to such Claim. If it is unclear from the Schedules whether your Claim is disputed, contingent or unliquidated as to amount or is otherwise properly listed and classified, you must file a proof of claim on or before the applicable Bar Date. Any party that relies on the information in the Schedules bears responsibility for determining that its Claim is accurately listed therein.**

### RESERVATION OF RIGHTS

Nothing in the Bar Date Order shall be construed as limiting any party's rights to: (i) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to nature, amount, liability, classification or otherwise; and (ii) subsequently designate any Claim as disputed, contingent or unliquidated. Nothing contained in this Notice shall preclude any party from objecting to any Claim, whether scheduled or filed, on any grounds.

### PROCEDURE FOR FILING PROOFS OF CLAIM

**Proofs of claim should not be filed with the Court or with the Clerk of the Court. Instead, all proofs of claim should be submitted to Stretto, the Debtor's Claims and Noticing Agent, as set forth below:**

To be considered valid, each General Proof of Claim submitted in this Chapter 11 Case must: (a) be written in English, (b) be denominated in lawful currency of the United States as of the Petition Date, (c) have attached copies of any writings upon which the claim is based in accordance with bankruptcy Rules 3001(c) and 3001(d) (including for secured claims, evidence that the security



interest has been perfected), and (d) be actually received by Stretto, the Debtor's Claims and Noticing Agent, on or prior to the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/rochesterdiocese> or (ii) by delivering an original copy by hand mail or overnight courier to The Diocese of Rochester, Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted.

In order to be considered valid, each Sexual Abuse Proof of Claim must: (a) be written in English, (b) contain responses to all requests for information set forth therein to the best of the Sexual Abuse Claimant's knowledge at the time the form is signed, (c) be signed by the Sexual Abuse Claimant (or if such Sexual Abuse Claimant is a minor, legally incapacitated, or deceased, by such Sexual Abuse Claimant's parent, legal guardian or executor) and (d) be actually received by Stretto, the Debtor's Claims and Noticing Agent, as of the Bar Date either (i) electronically using the interface available on Stretto's website at <https://case.stretto.com/rochesterdiocese> or (ii) by delivering an original copy by hand mail or overnight courier to The Diocese of Rochester, Claims Processing c/o Stretto, 8269 E. 23rd Avenue, Suite 275, Denver, Colorado 80238. Proofs of claim sent by facsimile, telecopy, or e-mail will not be accepted. A Sexual Abuse Claim may only be made on account of Sexual Abuse of an individual. Any other claim may be asserted as General Claim.

Proofs of claim will be deemed filed only when actually received by Stretto. Proofs of claim submitted electronically will be acknowledged via electronic mail or confirmation number from Stretto at the time of submission. If you wish to receive acknowledgement of Stretto's receipt of a proof of claim submitted in paper format, you must also submit with your original proof of claim: (i) one additional copy of your original proof of claim; and (ii) a self-addressed, postage pre-paid return envelope.

### **ADDITIONAL INFORMATION**

You may be listed as the holder of a Claim in the Debtor's Schedules. If you hold or assert a Claim that is not listed in the Schedules, or if you disagree with the amount or priority of your Claim as listed in the Schedules, or your Claim is listed in the Schedules as contingent, unliquidated, or disputed, you must file a proof of claim. Copies of the Schedules and the Bar Date Order are available for inspection during regular business hours at the office of the Office of the Clerk of Court, United States Bankruptcy Court for the Western District of New York, 100 State Street, Rochester, New York 14614. In addition, copies of the Debtor's Schedules and the Bar Date Order are available on the Stretto case management website at <https://case.stretto.com/rochesterdiocese> for free, or on the Court's website (<http://nywb.uscourts.gov/>) by following the directions for accessing the ECF system on such website (a PACER password is required). A list of entities within the territory of the Diocese that may be implicated by the Debtor's chapter 11 case, including Parishes, Schools, entities for which the Bishop is the President, and sole member entities for which the Bishop is the sole member, is available on the Stretto case management website at <https://case.stretto.com/rochesterdiocese/networklist>.

Requests for proofs of claim should be directed to Stretto, the Debtor's Claims and Noticing Agent at (855) 347-3773. Stretto is not permitted to give you legal advice. You should consult your own

attorney for assistance regarding any other inquiries, such as questions concerning the contents of this notice or the completion or filing of a proof of claim.

Dated: \_\_\_\_\_, 2020

BY ORDER OF THE HONORABLE PAUL R. WARREN  
UNITED STATES BANKRUPTCY JUDGE

**Schedule 5**

(To Proposed Order)

**Form of Publication Notice**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

*In re Diocese of Rochester*  
Case No. 19-20905

**PLEASE TAKE NOTICE THAT**, On September 12, 2019, the Diocese of Rochester (“Diocese”) filed for protection under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

**The Bankruptcy Court has established August 13, 2020 at 11:59 p.m. (prevailing Eastern time) as the deadline to file proofs of claim against the Diocese (the “Bar Date”).**

**If you have a claim against the Diocese, including, without limitation, a claim related to sexual abuse committed by any person connected with the Diocese, you must file a claim on or before the Bar Date.**

Please visit <https://case.stretto.com/rochesterdiocese> or call (855) 347-3773 for more information on how to file your proof of claim.

**IF YOU DO NOT TIMELY FILE A PROOF OF CLAIM, YOU MAY FORFEIT YOUR RIGHT TO VOTE ON ANY PLAN OF REORGANIZATION AND TO SHARE IN ANY DISTRIBUTIONS MADE TO CREDITORS IN CONNECTION WITH THE DEBTOR’S CHAPTER 11 CASE.**

## Notice Recipients

District/Off: 0209-2  
Case: 2-19-20905-PRW

User: admin  
Form ID: pdforder

Date Created: 2/25/2020  
Total: 6

### Recipients of Notice of Electronic Filing:

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aty	Ingrid S. Palermo	ipalermo@bsk.com
aty	Stephen A. Donato	sdonato@bsk.com

TOTAL: 4

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

pr	Lisa M. Passero	The Diocese of Rochester	1150 Buffalo Road	Rochester, NY 14624
smg	Office of the U.S. Trustee	100 State Street, Room 6090	Rochester, NY 14614	

TOTAL: 2